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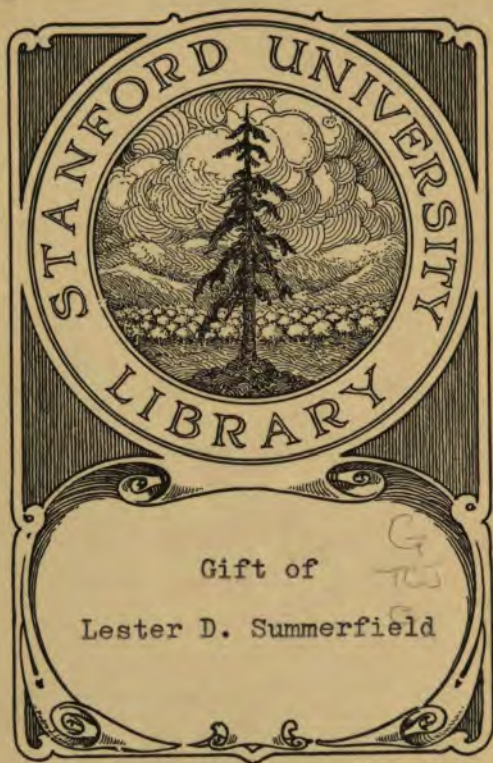
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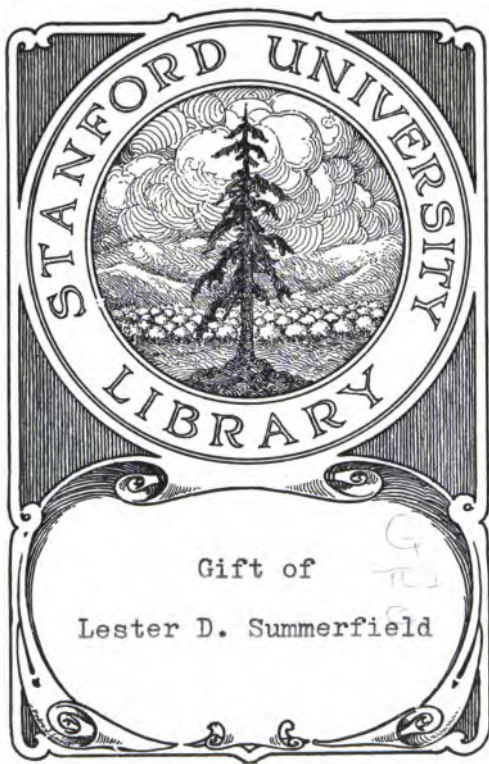
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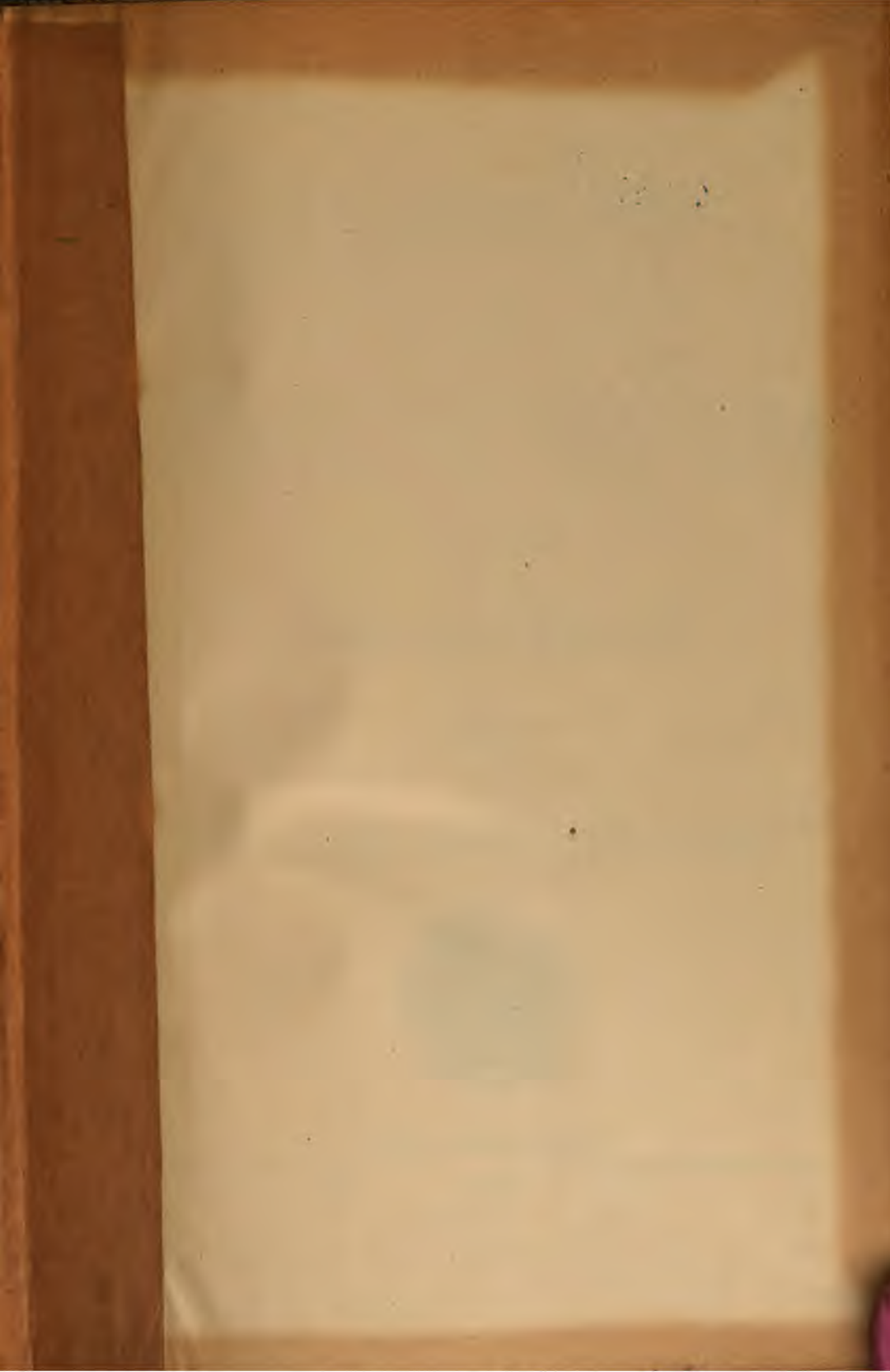
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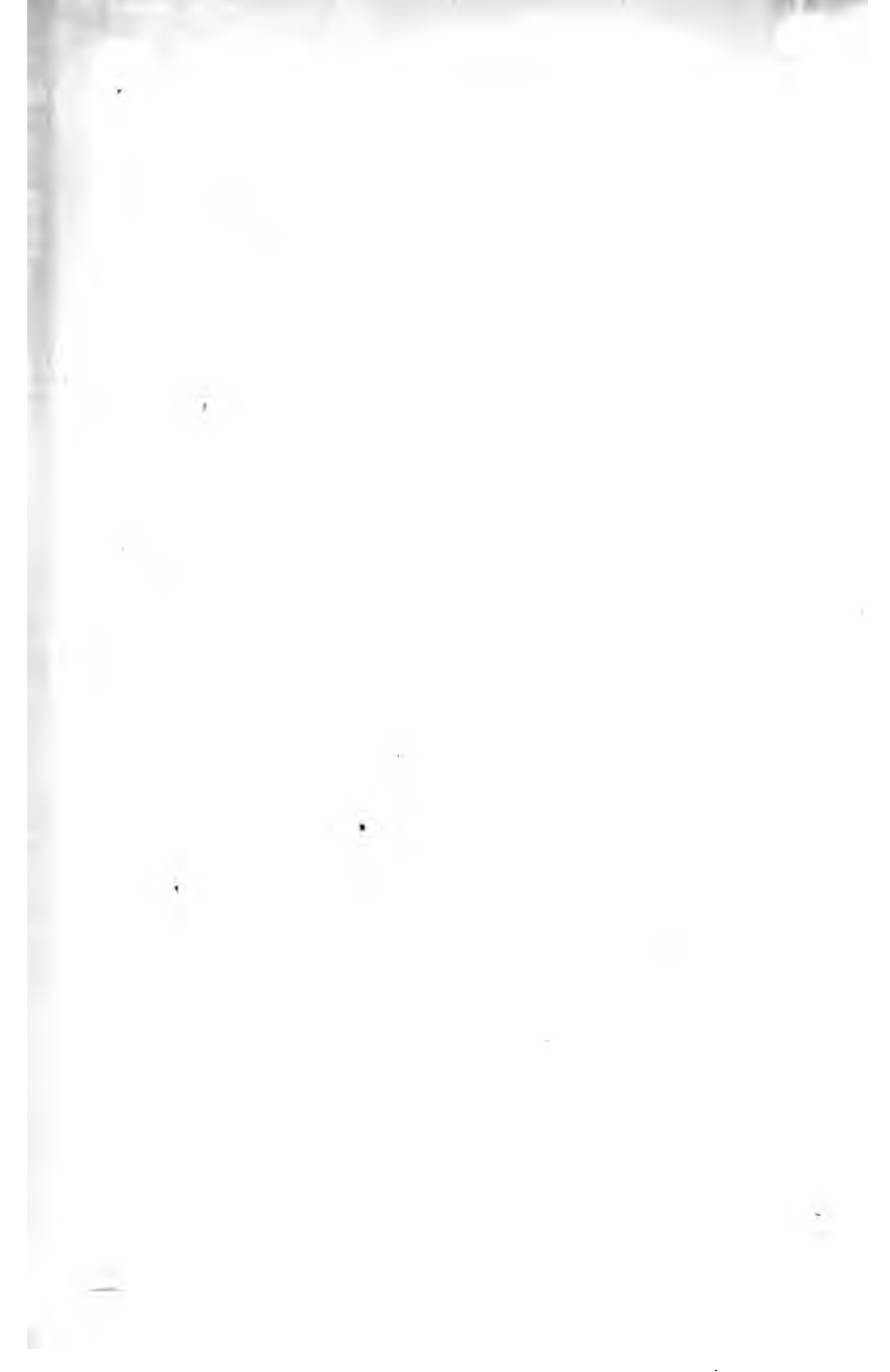
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STATUTES

OF THE

STATE OF NEVADA

PASSED AT THE

EIGHTEENTH SESSION OF THE LEGISLATURE

1897

COMMENCED ON MONDAY, THE EIGHTEENTH DAY OF JANUARY, AND
ENDED ON SATURDAY, THE THIRTEENTH DAY OF MARCH.



CARSON CITY, NEVADA:

STATE PRINTING OFFICE, : : J. G. MCCARTHY, SUPERINTENDENT
1897



GENERAL ARRANGEMENT OF VOLUME

	PAGES.
1—NUMBER OF CHAPTERS AND TITLE OF LAWS	VII.
2—NUMBER AND TITLES OF MEMORIALS AND RESOLUTIONS	XIII.
3—CONGRESSIONAL AND JUDICIAL OFFICERS	1
4—DISTRICT JUDGES	1
4—SENATE MEMBERS AND OFFICERS	2
6—ASSEMBLY MEMBERS AND OFFICERS	3
7—EXECUTIVE DEPARTMENT	4
8—STATE INSTITUTIONS	4
9—BOARDS AND COMMISSIONS	5
10—LAWS OF THE EIGHTEENTH SESSION	11-165
11—RESOLUTIONS AND MEMORIALS	169-173
12—CONSTITUTION OF THE UNITED STATES AND INDEX	177-198
13—CONSTITUTION OF THE STATE OF NEVADA AND INDEX ..	201-247
14—STATE TREASURER'S REPORT FOR 1895	249-264
15—STATE TREASURER'S REPORT FOR 1896	265-280
16—INDEX	283-305

CONTENTS

STATUTES OF STATE OF NEVADA

EIGHTEENTH SESSION, 1897

Chapter ..	Title of Act.	Page
1	An Act to create a Legislative Fund. Approved January 22, 1897.....	11
2	An Act to restrict and license glove contests, or exhibitions between man and man, and to repeal all other Acts in conflict therewith. Approved January 29, 1897	11
3	An Act to provide for the copying of the Journal of the Senate for the Eighteenth Session. Approved February 4, 1897.....	13
4	An Act to provide for the issuance of bonds by the County of Ormsby and to provide for the payment of the same, in order to provide for the payment of eight thousand dollars of the bonds of said county heretofore issued and now outstanding, which were issued in pursuance and by virtue of an Act of the Legislature of the State of Nevada entitled "An Act to establish and provide for an Indian School," approved January 25, 1887. Approved February 9, 1897.....	13
5	An Act to provide for the issuance of bonds by the County of Ormsby and to provide for the payment of the same, in order to provide for the payment of ten thousand dollars of the bonds of said county heretofore issued and now outstanding, which were issued in pursuance and by virtue of an Act of the Legislature of the State of Nevada entitled "An Act to authorize the issuance of certain bonds by Ormsby county and to provide for the payment of the same," approved March 9, 1889. Approved February 9, 1897.....	15
6	An Act to require the payment of a poll tax by all legal voters under sixty years of age. Approved February 9, 1897.....	17
7	An Act to authorize the Honorable C. E. Mack, District Judge of the First Judicial District of the State of Nevada, to sign records in the Counties of Storey, Ormsby, Lyon, Douglas and Esmeralda. Approved February 9, 1897.....	18
8	An Act fixing the fees of the County Clerk of Ormsby county for making out naturalization papers. Approved February 12, 1897.....	19
9	An Act to repeal an Act entitled "An Act providing for the appointment of a Janitor for the committee rooms of the Legislature," approved January 25, 1887. Approved February 12, 1897.....	19
10	An Act to amend an Act to provide for the election of School Trustees and matters properly connected therewith, approved March 19, 1891. Approved February 12, 1897.....	19
11	An Act to amend section three of an Act entitled "An Act for the preservation of wild game, and for the preservation of beaver and otter within the State of Nevada, and to repeal all other Acts in relation thereto," approved February 27, 1893, as amended and approved March 2, 1895. Approved February 15, 1897.....	20

Chapter	Title of Act.	Page
12	An Act to provide for copying the Journal of the Assembly for the Eighteenth Session. Approved February 15, 1897-----	20
13	An Act to pay the deficiencies in the appropriations for the years 1895 and 1896. Approved February 16, 1897-----	21
14	An Act to provide relief for H. C. Cutting. Approved February 18, 1897---	21
15	An Act to amend section one hundred and sixty-three of an Act entitled "An Act to regulate proceedings in criminal cases in the courts of justice in the Territory of Nevada," approved November 26, 1861. Approved February 18, 1897-----	22
16	An Act to regulate the herding or grazing of sheep within a distance of four miles of the town of Austin, Lander county, Nevada. Approved February 24, 1897-----	22
17	An Act to amend an Act entitled "An Act to amend section two hundred and forty-five of an Act entitled 'An Act to regulate proceedings in civil cases, in courts of justice in this State, and to repeal all other Acts in relation thereto,' approved March 8, 1869," approved March 16, 1895. Approved February 25, 1897-----	22
18	An Act to prevent the adulteration of candy. Approved February 26, 1897.	23
19	An Act to amend section four of an Act entitled "An Act defining the duties of State Treasurer," approved February 2, 1866. Approved February 26, 1897-----	24
20	An Act to amend section 6 of an Act entitled "An Act defining the rights of husband and wife," approved March 10, 1873. Approved February 27, 1897-----	24
21	An Act to create the office of Road Inspector, to provide for work on public roads and to limit the compensation therefor. Approved February 27, 1897-----	25
22	An Act to regulate the condemnation of property for public use. Approved February 27, 1897-----	26
23	An Act to define the rights and responsibilities of owners of telephone lines in the State of Nevada. Approved March 1, 1897-----	28
24	An Act to empower the State Board of Education to grant life diplomas to residents of Nevada who have taught ten years. Approved March 1, 1897-----	29
25	An Act licensing the sale of cigarettes and cigarette paper, and other matters relating thereto. Approved March 1, 1897-----	29
26	An Act to amend an Act entitled "An Act to provide for free public libraries and other matters relating thereto," approved March 16, 1895. Approved March 1, 1897-----	30
27	An Act to grant the right of way and to provide electric lights within the town of Austin, Lander county, State of Nevada. Approved March 1, 1897-----	30
28	An Act granting leave of absence to William Easton, Sheriff and ex officio Assessor of Lander county, State of Nevada. Approved March 1, 1897----	31
29	An Act to amend section one hundred and twenty-three of an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891. Approved March 2, 1897-----	31

CONTENTS.

IX.

Chapter..	Title of Act.	Page.....
30	An Act to provide for the building, completion and equipment of a mechanical building and the completion and equipment of the gymnasium at the Nevada State University at Reno, Nevada. Approved March 3, 1897.....	32
31	An Act to provide for the deficiencies incurred in the building and furnishing of dormitories, and for the construction of the annex for a mechanical building at the Nevada State University at Reno, Nevada. Approved March 3, 1897.....	33
32	An Act to fix the State tax levy and to distribute the same to the proper funds. Approved March 5, 1897.....	35
33	An Act to provide revenue for the support of certain counties in the State of Nevada, and matters pertaining to the apportioning and disbursement thereof. Approved March 5, 1897.....	35
34	An Act to provide for paying the cost of printing and stationery required in the State Land Office. Approved March 5, 1897.....	36
35	An Act to amend section two of an Act entitled "An Act to encourage mining," approved March 3, 1887. Approved March 5, 1897.....	36
36	An Act to amend an Act entitled "An Act fixing the salaries of the county officers of Lincoln county, and providing for the compensation of a Deputy Sheriff therein," approved February 17, 1887. Approved March 5, 1897.....	37
37	An Act to provide for the incorporation of mutual fire insurance companies and to define their powers and duties. Approved March 6, 1897.....	37
38	An Act to amend section 379 of an Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State and repeal all other Acts in relation thereto," approved March 8, 1869, as amended and approved February 20, 1881. Approved March 6, 1897.....	44
39	An Act providing for the appointment of Notaries Public, fixing their terms of office and specifying the numbers to be appointed. Approved March 6, 1897.....	44
40	An Act fixing the salary of the Curator of the State Museum. Approved March 6, 1897.....	45
41	An Act to create a fund in the State Treasury of the State of Nevada to be known as the Fire Insurance Fund, and other matters pertaining thereto. Approved March 6, 1897.....	46
42	An Act requiring the County Assessor of Eureka county to pay his own deputy. Approved March 6, 1897.....	46
43	An Act fixing the salaries of certain county officers in Eureka county, and other matters relating thereto. Approved March 6, 1897.....	47
44	An Act to provide for repairs to, and purchasing material for the State Printing Office. Approved March 6, 1897.....	47
45	An Act to make provision for the payment of certain indebtedness now existing or which may hereafter accrue against Lincoln county. Approved March 6, 1897.....	47
46	An Act ceding the jurisdiction of the State of Nevada over certain lands to be acquired by the United States for the use and benefit of the Indian School, situated in Ormsby county, Nevada. Approved March 6, 1897.....	49

Chapter	Title of Act.	Page
47	An Act to provide for the purchase of a portrait of ex-Governor John E. Jones, and to appropriate money therefor. Approved March 8, 1897.....	50
48	An Act to incorporate the town of Reno. Approved March 8, 1897.....	50
49	An Act to empower the State Board of Education to grant life diplomas to residents of the State of Nevada who have received the degree of Bachelor of Arts. Approved March 8, 1897.....	61
50	An Act to authorize the formation of corporations for the purpose of transacting business as sureties on all bonds and undertakings required by law, and to prescribe the powers and duties of such incorporations. Approved March 8, 1897.....	61
51	An Act relating to the Nevada National Guard. Approved March 8, 1897...	63
52	An Act to provide for the occupancy, improvement, and preferred right to final entry of lands subject to acceptance by the State of Nevada, under the provisions of an Act of Congress entitled "An Act to make appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895; and for other purposes," approved August 18, 1894, together with all grants of land to the State of Nevada, under the provisions of said Act. Approved March 8, 1897.....	64
53	An Act to provide for the preservation of fish in the waters of the State of Nevada. Approved March 9, 1897.....	67
54	An Act authorizing the destruction of wild, unbranded horses, mares and colts over the age of twelve months, found running at large on Government range lands. Approved March 9, 1897.....	68
55	An Act to repeal an Act entitled "An Act amendatory of and supplementary to an Act entitled an Act to create a Board of County Commissioners in the several counties of this State, and to define their duties and powers," approved February 14, 1881. Approved March 9, 1897.....	69
56	An Act authorizing and directing the Board of County Commissioners of Elko county, State of Nevada, to issue and sell bonds for the purpose of providing means to equip and furnish the County High School in said county, and other matters properly relating thereto. Approved March 9, 1897.....	69
57	An Act to amend section six of an Act entitled "An Act to amend sections two, three, four, five, six, seven, eight, ten, twelve, fourteen, fifteen, sixteen, eighteen and twenty-one of an Act entitled 'An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada,' approved March 12, 1885, as amended March 5, 1887," approved March 11, 1889. Approved March 10, 1897.....	71
58	An Act to amend an Act entitled "An Act to provide for the appointment of Inspectors of Hides, defining their duties, and mode of compensation," approved March 3, 1881. Approved March 10, 1897.....	72
59	An Act to amend an Act entitled "An Act consolidating certain county officers in Lyon county, and regulating the compensation of the county officers in said county," approved February 18, 1893. Approved March 10, 1897.....	73
60	An Act to authorize the Board of County Commissioners of Lyon county to issue bonds for the purpose of providing a fund to pay the bonded indebtedness of said county. Approved March 10, 1897.....	74
61	An Act to fix the compensation to be paid the Sheriff of Storey county, for the services of a jailer to be appointed by him. Approved March 10, 1897...	76

CONTENTS.

XI.

Chapter ..	Title of Act.	Page.....
62	An Act to amend sections four and five of an Act entitled "An Act to provide for the better preservation of the mining records of this State, and to repeal all other Acts in conflict with this Act," approved February 14, 1885. Approved March 10, 1897.....	77
63	An Act regulating the compensation of county officers in Churchill county and other matters relating thereto. Approved March 10, 1897.....	78
64	An Act for the relief of the Nevada National Guard. Approved March 12, 1897.....	79
65	An Act to restrict the creation of deficiencies in funds or appropriations set apart or made by the Legislature of the State of Nevada. Approved March 12, 1897.....	80
66	An Act to amend an Act entitled "An Act to create Judicial Districts in the State of Nevada, provide for the election of District Judges therein and fix their salaries," approved March 18, 1891. Approved March 13, 1897.....	80
67	An Act making appropriation for the support of the civil government of the State of Nevada for the fiscal years of 1897 and 1898. Approved March 13, 1897.....	82
68	An Act relating to the duties, salaries and compensation of county and township officers in Storey county, Nevada. Approved March 15, 1897.....	85
69	An Act to amend an Act entitled "An Act to amend an Act entitled an Act authorizing a State loan," approved March 6, 1893, approved March 16, 1895. Approved March 15, 1897.....	86
70	An Act fixing the salary of the Superintendent of Public Instruction. Approved March 15, 1897.....	86
71	An Act for the relief of A. T. Kramer. Approved March 15, 1897.....	87
72	An Act to provide for lighting the State Capitol Building and Grounds and other State property Approved March 16, 1897.....	87
73	An Act to amend section one of an Act entitled "An Act to amend section twenty-one of an Act entitled 'An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto,' approved March 8, 1869;" approved March 13, 1895. Approved March 16, 1897.....	87
74	An Act to authorize the exchange of new court house bonds for the bonds now outstanding and unpaid by Nye county and to provide for the payment of the same. Approved March 16, 1897.....	88
75	An Act to amend section three of an Act entitled "An Act to create a Board of County Commissioners in the several counties of this State and to define their duties and powers," approved March 8, 1865. Approved March 16, 1897.....	90
76	An Act supplemental to an Act entitled "An Act relating to the State University and matters properly connected therewith," approved February 7, 1887, approved March 16, 1895. Approved March 16, 1897.....	91
77	An Act to amend an Act entitled "An Act to restore lost records," approved February 16, 1881. Approved March 16, 1897.....	91
78	An Act to reimburse the State Agricultural Society for loss sustained by fire. Approved March 16, 1897.....	92
79	An Act fixing the rates for official advertising by the State of Nevada and the several counties of the State. Approved March 16, 1897.....	92

Chapter	Title of Act.	Page
80	An Act to authorize the Trustees of School District No. 9 in the town of Yerington, Lyon county, Nevada, to issue bonds for school purposes. Approved March 16, 1897-----	93
81	An Act allowing the payment of taxes in equal semi-annual installments and regulating the collection of taxes on personal property. Approved March 16, 1897-----	95
82	An Act relating to the salary of the District Judge of the Fourth Judicial District of the State of Nevada. Approved March 9, 1897-----	96
83	An Act for the relief of the Virginia and Truckee Railroad Company. Approved March 10, 1897-----	96
84	An Act to refund certain erroneous interest payments made on contracts for land in the State Land Office. Approved March 16, 1897-----	97
85	An Act to amend an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved March 16, 1895. Approved March 16, 1897-----	97
86	An Act to provide for the payment of certain claims against the State of Nevada for advertising State selections, within six miles of a mineral claim. Approved March 16, 1897-----	99
87	An Act fixing the salaries and compensations and defining the duties of certain county officers in Washoe county, and other matters relating thereto. Approved March 16, 1897-----	99
88	An Act to provide for the election of School Trustees and matters properly connected therewith. Approved March 16, 1897-----	100
89	An Act relating to the location, relocation, manner of recording lode and placer claims, mill sites, tunnel rights, amount of work necessary to hold possession of mining claims and the rights of co-owners therein. Approved March 16, 1897-----	103
90	An Act for the relief of R. Foote. Approved March 19, 1897-----	109
91	An Act for the relief of J. D. Ernst. Approved March 19, 1897-----	109
92	An Act for the relief of Mahoney Brothers. Approved March 19, 1897-----	109
93	An Act for the relief of Douglas county. Approved March 19, 1897-----	110
94	An Act to submit the question, Shall Storey, Ormsby, Lyon and Douglass counties be consolidated? to the electors of Storey, Ormsby, Lyon and Douglass, at the general election of 1898 and to provide for the canvass and the certification of the vote therein. Approved March 19, 1897-----	110
95	An Act concerning the liabilities of proprietors and keepers of saloons and gambling houses. Approved March 19, 1897-----	111
96	An Act to amend section four hundred and ninety-six of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869. Approved March 19, 1897-----	111
97	An Act to submit the question "Shall the County of Lincoln be divided?" to the electors of Lincoln county at the general election of 1898 and to provide for the canvass and certification of the vote thereon. Approved March 19, 1897-----	112

CONTENTS.

XIII.

Chapter	Title of Act.	Page
98	An Act for the relief of Battery "A" Band. Approved March 20, 1897-----	112
99	An Act concerning the election of town and city officers in this State and matters properly connected therewith. Approved March 22, 1897-----	113
100	An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto,' approved March 23, 1891, and to all Acts amendatory thereof, and to provide for a license upon the business of owning, raising, grazing, herding or pasturing sheep in the several counties of the State of Nevada, and to declare a violation thereof a misdemeanor and to provide a punishment therefor," approved March 12, 1895. Approved March 22, 1897-----	114
101	An Act fixing the salary of Constable in and for Carson township, Ormsby county, State of Nevada, and other matters relating thereto. Approved March 22, 1897-----	115
102	An Act relating to the duties of Census Marshals. Approved March 22, 1897-----	115
103	An Act to abolish the office of Fish Commissioner and to protect the fish in the waters of the State of Nevada. Approved March 22, 1897-----	116
104	An Act to provide for the building, completion and equipment of a mechanical building and the completion and equipment of the gymnasium at the State University at Reno, Nevada, and to appropriate the sum of twelve thousand dollars therefor, to prepare and issue bonds for the amount of said appropriation, and to provide for the levy and collection of a tax to pay said bonds. Approved March 23, 1897-----	116
105	An Act to provide for the payment of deficiencies incurred in the building and furnishing of dormitories, and for the construction of the annex for a mechanical building at the Nevada State University at Reno, Nevada, the preparation and issuance of bonds therefor, and to provide for the payment of said bonds. Approved March 23, 1897-----	118
106	An Act to regulate the settlement of the estates of deceased persons. Approved March 23, 1897-----	119
107	An Act to authorize the Board of Regents of the State University of the State of Nevada, at Reno, to lease and purchase land for an Experiment Station Farm. Approved March 23, 1897-----	164
108	An Act relating to the publication of Supreme Court decisions and advertising required by the State of Nevada. Approved March 25, 1897-----	165

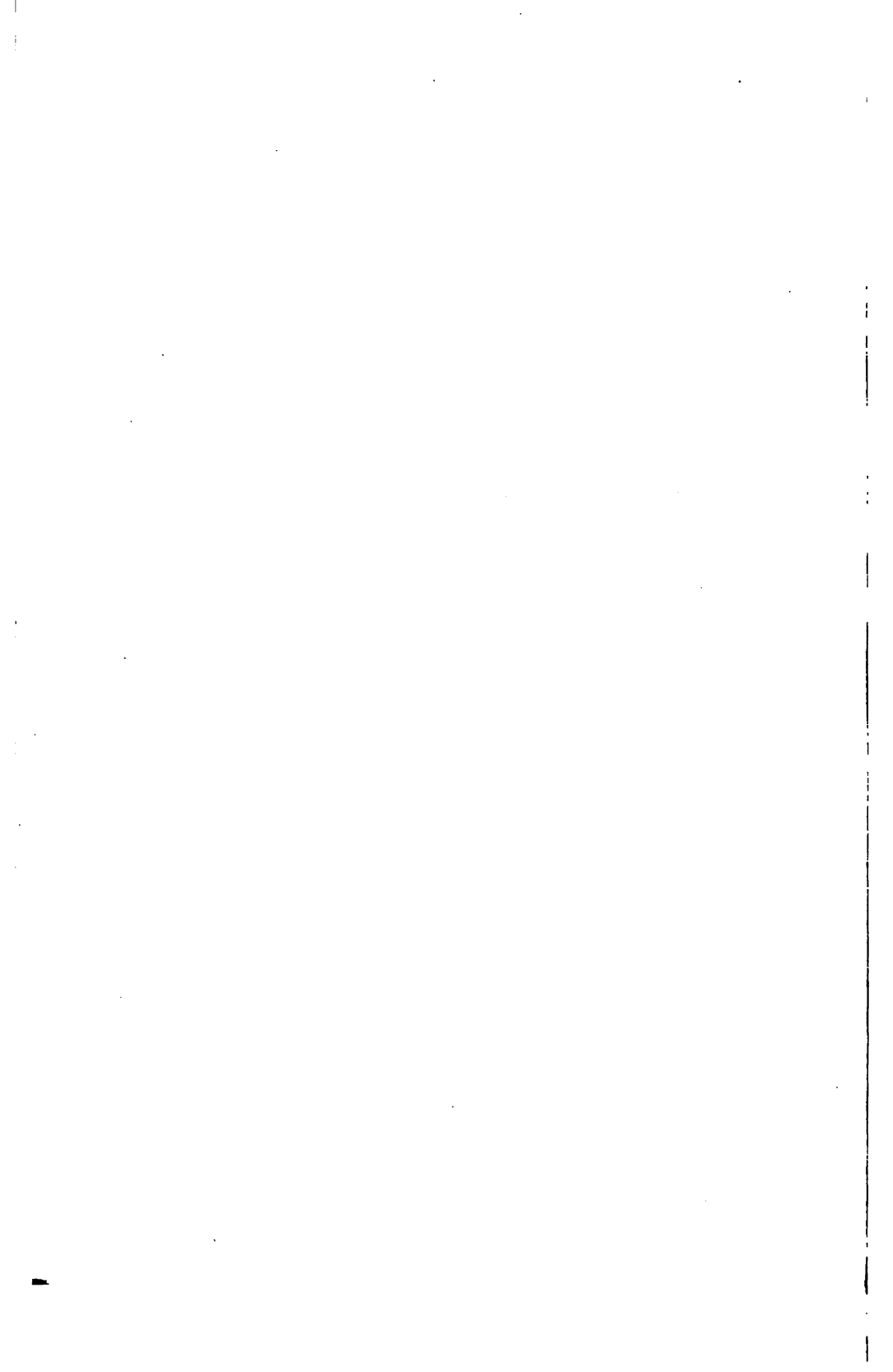
RESOLUTIONS AND MEMORIALS.

EIGHTEENTH SESSION, 1897.

No.	Title.	Page
1	Assembly Memorial and Joint Resolution, relative to the abandonment of a portion of the Walker River Indian Reservation. Passed February 9, 1897-----	169
2	Assembly Joint Resolution, relative to establishing a mail route between Belmont, Nye county, and Wilson Creek, Nye county, in the State of Nevada. Passed February 20, 1897-----	169

No.	Title.	Page.
3	Assembly Joint Resolution, relative to recognizing the belligerency and independence of Cuba. Passed February 20, 1897-----	170
4	Senate Joint Resolution No. 3, relative to exempting certain boundaries from quarantine. Passed March 6, 1897-----	170
5	Senate Joint Resolution and Memorial to Congress, relative to immigration and protection. Passed March 11, 1897-----	171
6	Senate Joint and Concurrent Resolution, relative to the rate of postage on fourth-class matter, including merchandise, in the United States mails. Passed March 12, 1897-----	172
7	Senate Joint Resolution, concerning the free and unlimited coinage of silver at the legal ratio of sixteen to one, regardless of the action of any foreign nation. Passed March 12, 1897-----	172
8	Assembly Joint Resolution, relative to election of United States Senators direct by the people. Passed March 10, 1897-----	173

LIST OF OFFICERS.



LIST OF OFFICERS.

NATIONAL DEPARTMENT, JUDICIAL DEPARTMENT, DISTRICT
JUDGES, LEGISLATIVE DEPARTMENT, EXECUTIVE DEPART-
MENT, BOARD OF PARDONS, STATE INSTITUTIONS,
AND BOARDS AND COMMISSIONS, WHEN
THESE LAWS WERE PASSED.

NATIONAL DEPARTMENT.

Name.	Official Position.	P. O. Address.
Stewart, Wm. M.	United States Senator.....	..... Carson City
Jones, John P.	United States Senator.....	..... Gold Hill
Newlands, Francis G.	Representative in Congress.....	..... Reno

JUDICIAL DEPARTMENT.

Name.	Official Position.	P. O. Address.
Belknap, C. H.	Chief Justice Supreme Court.....	..... Carson City
Bonnifield, M. S.	Associate Justice Supreme Court.....	..... Carson City
Massey, W. A.	Associate Justice Supreme Court.....	..... Carson City
Judge, James R.	Attorney-General.....	..... Carson City
Howell, Eugene.....	Clerk of Supreme Court (ex officio).....	..... Carson City
Kinney, William	Bailiff of Supreme Court.....	..... Carson City

DISTRICT JUDGES.

Name.	Official Position.	P. O. Address.
Mack, Chas. E.	Judge First Judicial District.....	..... Virginia City
Cheney, A. E.	Judge Second Judicial District.....	..... Reno
Fitzgerald, A. L.	Judge Third Judicial District.....	..... Eureka
Talbot, G. F.	Judge Fourth Judicial District.....	..... Elko

LEGISLATIVE DEPARTMENT, 1897.

SENATE.*

HON. R. SADLER, *President*. HON. A. J. MCCONE, *President pro tem*.

Name.	County.	P. O. Address.
Kaiser, Charles†	Churchill	Stillwater
Martin, J. H.†	Douglas	Gardnerville
Skaggs, Robert E.†	Elko	Lamoille
Wilson, J. W.†	Esmeralda	Pine Grove
Gregovich, John†	Eureka	Eureka
Summerfield, G. W.	Humboldt	Winnemucca
Richards, Chas. A.†	Lander	Austin
Denton, J. A.	Lincoln	Pioche
Leavitt, G. I.	Lyon	Yerington
Ernst, George	Nye	Belmont
Mills, Geo. T.†	Ormsby	Carson City
McCone, A. J.†	Storey	Virginia City
Lord, F. C.	Storey	Virginia City
Summerfield, Sardis†	Washoe	Reno
Comins, H. A.	White Pine	Ely

*Senators are elected for four years; Assemblymen for two years; sessions biennial, and convene on the third Monday in January of odd-numbered years—January 18th.

†Hold-over Senators.

SENATE OFFICERS AND ATTACHES.

Name.	Official Position.	P. O. Address.
Sadler, R.	President	Carson
McCone, A. J.	President pro tem	Virginia City
Osborne, T. J.	Secretary	Pioche
Maestretti, A. J.	Assistant Secretary	Austin
Corbett, P. J.	Sergeant-at-Arms	Gold Hill
Laveaga, Miss Ida	Minute Clerk	Winnemucca
Wilson, F. S.	Journal Clerk	Eureka
Paul, Frank	Engrossing Clerk	Hamilton
Averell, Miss Adah	Enrolling Clerk	Bijou
Stuart, Miss	Copying Clerk	Pine Grove
Harmon, F. H.	Committee Clerk	Eureka
McCann, Barney	Messenger	Belmont
Lopez, Pete	Page	Carson
Savage, Dick	Porter	Carson
Gifford, L. W.	Committee rooms janitor	Carson

LIST OF OFFICERS.

3

ASSEMBLY.

HON. LEM ALLEN, *Speaker*. HON. S. L. McNAUGHTEN, *Speaker pro tem*.

Name.	County.	P. O. Address.
Allen, Lem	Churchill	Stillwater
Wilkerson, R. T.	Douglas	Sheridan
Hardesty, Z. T.	Elko	Lee
Smiley, Wm.	Elko	Deeth
McAfee, A. M.	Elko	North Fork
McNaughten, S. L.	Esmeralda	Candelaria
Garrard, A.	Esmeralda	Hawthorne
Allen, Chas. E.	Eureka	Eureka
Foster, M. G.	Eureka	Eureka
Bradshaw, T. J.	Humboldt	Paradise Valley
Hoenstine, F. G.	Humboldt	Goldconda
Burchfield, A. D.	Lander	Austin
Whitney, Geo. B.	Lincoln	Saint Thomas
Reymers, B. H.	Lyon	Yerington
Wogan, T. C.	Lyon	Silver City
Gilbert, R. F.	Nye	Belmont
Oliver, Frank S.	Ormsby	Carson City
Benton, Jr., J. M.	Ormsby	Carson City
Dempsey, Timothy	Ormsby	Carson City
Fallon, Frank S.	Storey	Virginia City
Fitzgerald, L.	Storey	Gold Hill
Ferguson, Robt.	Storey	Virginia City
Hatch, Geo. W.	Storey	Virginia City
Lernhart, A.	Storey	Virginia City
Trembath, Hugh	Storey	Gold Hill
Hodgkinson, S. J.	Washoe	Reno
Lemmon, Fielding	Washoe	Reno
Norcross, F. H.	Washoe	Reno
Stoddard, C. H.	Washoe	Reno
Greene, Chas.	White Pine	Cherry Creek

ASSEMBLY OFFICERS AND ATTACHES.

Name.	Official Position.	P. O. Address.
Allen, Lem	Speaker	St. Clair
McNaughten, S. L.	Speaker pro tem	Candelaria
Roff, Nate W.	Chief Clerk	Reno
Bartlett, Geo. A.	Assistant Clerk	Eureka
Bradley, Geo. R.	Sergeant-at-Arms	Carson
Bacon, W. A.	Minute Clerk	Elko
Morton, Dan	Journal Clerk	Carson
Farrell, Miss Macie	Enrolling Clerk	Carson
McLaughlin, Wm.	Engrossing Clerk	Reno
Snyder, J. C.	Committee Clerk	Yerington
Choate, Miss	Copying Clerk	Winnemucca
Ritter, Fred	Messenger	Virginia City
Connors, Chas.	Porter	Virginia City
Follett, Harvey	Page	Carson

LIST OF OFFICERS.

EXECUTIVE DEPARTMENT.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold	Governor	Carson City
Kelley, E. D.	Private Secretary to Governor	Carson City
.....	Lieutenant-Governor .....	.....
Howell, Eugene	Secretary of State	Carson City
Doane, Jonathan	Deputy Secretary of State	Carson City
LaGrave, C. A.	State Controller	Carson City
Stone, T. N.	Deputy State Controller	Carson City
Westerfield, W. J.	State Treasurer	Carson City
Davis, W. R.	Deputy State Treasurer	Carson City
Pratt, A. C.	Surveyor-General and State Land Register	Carson City
Noteware, M. D.	Deputy Surveyor-General and State Land Register	Carson City
Cutting, H. C.	Superintendent of Public Instruction	Carson City
Judge, James R.	Attorney-General	Carson City
Howell, Eugene	State Librarian (ex officio)	Carson City

BOARD OF PARDONS.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold	Governor	Carson City
Belknap, C. H.	Chief Justice of Supreme Court	Carson City
Bonnifield, M. S.	Associate Justice of Supreme Court	Carson City
Massey, W. A.	Associate Justice of Supreme Court	Carson City
Judge, James R.	Attorney-General	Carson City
Kelley, E. D.	Clerk of Board	Carson City

STATE INSTITUTIONS.

STATE PRISON.

Name.	Official Position.	P. O. Address.
Henderson, L. O.	Warden	Carson City
Schatzlein, Matt	Captain of the Guard	Carson City

NEVADA HOSPITAL FOR MENTAL DISEASES.

Name.	Official Position.	P. O. Address.
Bergstein, Henry, M. D.	Superintendent	Reno
Wood, Henry	Supervisor	Reno

STATE PRINTING OFFICE.

Name.	Official Position.	P. O. Address.
McCarthy, J. G.	Superintendent of State Printing	Carson City
Mackey, Will U.	Foreman	Carson City

STATE UNIVERSITY.

Name.	Official Position.	P. O. Address.
Stubbs, Joseph E., M.A., D.D., L.L.D.	President of University	Reno
Clapp, Hannah K., M.A.	Librarian of University	Reno
Miller, W. McN., B.Sc.	Professor of Anatomy, etc.	Reno
Jackson, R. D., Ph.B.	Professor of Mining, etc.	Reno
Phillips, J. W., D.Sc.	Professor of Chemistry, etc.	Reno
Hillman, F. H., M.S.	Professor of Botany, etc.	Reno
Emery, Mary W.	Professor of Pedagogics, etc.	Reno
Lewers, Robert	Professor of Political Economy, etc.	Reno
McDowell, R. H., B.Sc.	Professor of Agriculture, etc.	Reno
Wilson, N. E., M.Sc.	Professor of Agricultural Chemistry, etc.	Reno
Cowgill, T. W., M.A.	Professor of English, etc.	Reno
Brown, Richard	Superintendent of Grounds, etc.	Reno
Thurtell, H., B.Sc.	Professor of Mathematics, etc.	Reno
Church, Jr., J. E., B.A.	Professor of Latin, etc.	Reno
Hamilton, Wm. R., First Lieut. 5th U. S. Artillery	Professor of Military Science, etc.	Reno
Brown, C. P.	Instructor in Mineralogy, etc.	Reno
Unsworth, Rev. S., B.A.	Instructor in Greek, etc.	Reno
de Laguna, Laura	Instructor in Modern Languages	Reno
Bardenwerper, Kate	Critic Teacher	Reno
Ede, Estella B.	Critic Teacher	Reno

STATE ORPHANS' HOME.

Name.	Official Position.	P. O. Address.
Beebe, A. M.	Superintendent	Carson City
Beebe, Mrs. A. M.	Matron	Carson City
Sullivan, Miss Josephine	Teacher	Carson City
Keith, Miss F.	Assistant Teacher	Carson City

BOARDS AND COMMISSIONS.

STATE BOARD OF EXAMINERS.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold	Commissioner	Carson City
Howell, Eugene	Commissioner	Carson City
Judge, James R.	Commissioner	Carson City
Doane, Jonathan	Clerk of the Board	Carson City

BOARD OF STATE PRISON COMMISSIONERS.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold	Commissioner	Carson City
Howell, Eugene	Commissioner	Carson City
Judge, James R.	Commissioner	Carson City
Doane, Jonathan	Clerk of the Board	Carson City

LIST OF OFFICERS.

STATE UNIVERSITY REGENTS.

Name.	Official Position.	P. O. Address.
Deal, W. E. F.	Regent (long term)	Virginia City
Evans, J. N.	Regent (long term)	Reno
Starrett, H. S.	Regent (short term)	Austin
Taylor, George H.	Secretary of Board	Reno

STATE PRINTING COMMISSIONERS.

Name.	Official Position.	P. O. Address.
LaGrave, C. A.	Commissioner	Carson City
Howell, Eugene	Commissioner	Carson City
Westerfield, W. J.	Commissioner	Carson City
Stone, T. N.	Clerk of the Board	Carson City

STATE BOARD OF EDUCATION.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold	Commissioner	Carson City
Stubbs, J. E. (President of State University)	Commissioner	Reno
Cutting, H. C.	Commissioner	Carson City

CAPITOL COMMISSIONERS.

Name.	Official Position.	P. O. Address.
Westerfield, W. J.	Commissioner	Carson City
LaGrave, C. A.	Commissioner	Carson City
.....	Commissioner (Lieutenant-Governor) .....	.....

ORPHANS' HOME DIRECTORS.

Name.	Official Position.	P. O. Address.
Westerfield, W. J.	Director	Carson City
Pratt, A. C.	Director	Carson City
Cutting, H. C.	Director	Carson City

COMMISSIONERS FOR CARE OF INDIGENT INSANE.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold	Commissioner	Carson City
LaGrave, C. A.	Commissioner	Carson City
Westerfield, W. J.	Commissioner	Carson City
Davis, W. R.	Clerk	Carson City

LIST OF OFFICERS.

7

MILITARY AUDITORS.

Name.	Official Position.	P. O. Address.
Sadler, Reinhold.....	Governor.....	Carson City
LaGrave, C. A.	State Controller.....	Carson City
Galusha, C. H.	Adjutant-General.....	Carson City

STATE BUREAU OF IMMIGRATION.

Name.	Official Position.	P. O. Address.
LaGrave, C. A.	Commissioner.....	Carson City
Pratt, A. C.	Commissioner.....	Carson City
Cutting, H. C.	Commissioner.....	Carson City

STATE COMMISSIONERS OF AGRICULTURE.

Name.	Official Position.	Term Expires.	P. O. Address.
Winters, Theo.	Commissioner.....	February 1, 1898.....	Washoe City
Hymers, T. K.	Commissioner.....	February 1, 1898.....	Reno
Jones, Jos. E.	Commissioner.....	February 1, 1898.....	Reno
Webster, W.	Commissioner.....	February 1, 1899.....	Reno
Phillips, W. D.	Commissioner.....	February 1, 1899.....	Reno
Birmingham, J. O.	Commissioner.....	February 1, 1899.....	Wabuska
Hesson, A. W.	Commissioner.....	February 1, 1900.....	Elko
Powning, C. C.	Commissioner.....	February 1, 1900.....	Reno
Marzen, Jos.	Commissioner.....	February 1, 1900.....	Lovelocks
Fitzgerald, John A.	Commissioner.....	February 1, 1901.....	Reno
Allen, L.	Commissioner.....	February 1, 1901.....	Stillwater
Sparks, John	Commissioner.....	February 1, 1901.....	Reno

STATE BOARD OF DENTAL EXAMINERS.

Name.	Official Position.	Term Expires.	P. O. Address.
Chandler, R. P.	Commissioner.....	May 2, 1897.....	Reno
Thomas, Jos.	Commissioner.....	May 2, 1897.....	Virginia City
Moore, C. A.	Commissioner.....	May 2, 1897.....	Elko
Conwell, C. C.	Commissioner.....	May 2, 1899.....	Virginia City
Rulison, D. W.	Commissioner.....	May 2, 1899.....	Reno
Cavell, W. H.	Commissioner.....	May 2, 1899.....	Carson City

STATE BOARD OF HEALTH.

Name.	Official Position.	Term Expires.	P. O. Address.
McDonald, T. P.	Member.....	April 1, 1899.....	Virginia City
Gibson, S. C.	Member.....	April 1, 1899.....	Reno
Guinan, J.	Member.....	April 1, 1899.....	Carson City

LIST OF OFFICERS.

BOARD OF VISITORS STATE UNIVERSITY.

Name.	Official Position.	Term Expires.	P. O. Address.
Haines, Mrs. R. L.	Member	April 4, 1897	Genoa
Taylor, Mrs. Josephine	Member	April 4, 1897	Elko
Kaiser, Miss Lillie	Member	April 4, 1897	Stillwater
McDonald, T. P.	Member	April 4, 1897	Virginia City
Thompson, A. S.	Member	April 4, 1897	Pioche
Jones, W. D.	Member	April 4, 1897	Austin
Fitzgerald, A. L.	Member	April 4, 1897	Eureka
Colcord, R. K.	Member	April 4, 1897	Carson City
Bonnifield, Jr., S. J.	Member	April 4, 1897	Winnemucca
Cheney, A. E.	Member	April 4, 1897	Reno
Cleveland, A. C.	Member	April 4, 1897	Cleveland
Griffin, Mrs. Mary A.	Member	April 4, 1897	Hawthorne
Brougher, Wilson	Member	April 4, 1897	Belmont
Young, John G.	Member	April 4, 1897	Wabuska

MISCELLANEOUS.

Name.	Official Position.	P. O. Address.
Galusha, C. H.	Adjutant-General	Carson City
Mills, Geo. T.	Fish Commissioner	Carson City
Van Duzer, C. D.	Nevada Land Attorney	Washington, D. C.
Jones, Edith	State Library Clerk	Carson City

LAWS OF THE STATE OF NEVADA

ERRATA TO STATUTES.

Page 46, "CHAP. LXII," read "CHAP. XLII."

Page 46, CHAP. XLII, "approved March 6, 1896," read "approved March 6, 1897."

Page 79, CHAP. LXIV., "approved March 12, 1896," read "approved March 12, 1897."

Page 96, CHAP. LXXXII, "approved March 9, 1897," read "approved March 16, 1897."

Page 96, CHAP. LXXXIII., "approved March 10, 1897," read "approved March 16, 1897."

Page 117, SEC. 6, line 3, for "*ad valorem* tax of cent" * * * read "*ad valorem* tax of one cent." * * *

LAWS OF THE STATE OF NEVADA

PASSED AT THE

EIGHTEENTH SESSION OF THE LEGISLATURE

1897

CHAPTER I.—*An Act to create a Legislative Fund.*

[Approved January 22, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. For the purpose of paying the mileage and per diem of the members of the present Legislature, the salaries of the attaches and the incidental expenses of the respective Houses, thereof, the State Treasurer is hereby authorized and required to set apart from any moneys now in the General Fund, not otherwise specially appropriated, the sum of thirty-two thousand (\$32,000) dollars, which shall constitute the Legislative Fund.

State Treasurer required to set apart money.

SEC. 2. The State Controller is hereby authorized and required to draw his warrant on said fund in favor of the members and attaches of the Senate and Assembly, for per diem, mileage, stationery allowances, compensation and incidental expenses of the respective Houses, when properly certified to him, in accordance with law, and the State Treasurer is hereby authorized and required to pay the same.

Controller authorised to draw warrant.

SEC. 3. All moneys remaining in said fund, at the adjournment of the Legislature, shall revert to the General Fund.

Excess to revert to General Fund.

CHAP. II.—*An Act to restrict and license glove contests, or exhibitions between man and man, and to repeal all other Acts in conflict therewith.*

[Approved January 29, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any male person over the age of twenty-one years may procure a license for an exhibition in a public place

Who may procure license.

Weight of gloves. for any contest or exhibition with gloves between man and man for a wager or reward, and the weight of the gloves shall not be less than four ounces used in said contest or exhibition.

Sheriff to issue license, and cost of same. SEC. 2. The Sheriff of any county in which the exhibition named in section one of this Act is to be held, shall issue a license for such exhibition or contest upon payment to him of the sum of one thousand (\$1,000) dollars.

County Auditor to prepare license. SEC. 3. Blank licenses shall be prepared by the County Auditor of the county in which the exhibition or contest named in section one of this Act is to be held, which license shall be issued and accounted for as is by law provided for in respect to other county licenses. Each license delivered by the Sheriff under the provisions of this Act shall contain the name of the licensee and the name of the contestants for the reward or wager offered for such exhibition or contest.

Who named in license. SEC. 4. The licensee shall ten hours before any proposed contest or exhibition under the provisions of this Act, file with the County Clerk where such contests or exhibition is to be held, a certificate in writing executed by two regular practicing physicians of this State, showing that the contestants named in the license are in sound physical health and condition.

Physicians to certify as to condition of contestants. SEC. 5. That such exhibition or contest shall be within an enclosure sufficient to exclude the view of the public not in attendance thereat, and no intoxicating liquors of any kind shall be sold or given away at or during the contest or exhibition as aforesaid upon the grounds or within the enclosure where said exhibition or contest is held.

Relating to grounds. SEC. 6. No town, city or municipal corporation in this State shall have power to prohibit, suppress or regulate any such glove exhibition or contest, or the license therefor as provided by this Act, and no such exhibition or contest shall take place on Sunday.

Division of license money. SEC. 7. All moneys received for licenses under the provisions of this Act shall be paid one-tenth (1-10) into the County Treasury and nine-tenth (9-10) into the State Treasury for general county and state purposes.

SEC. 8. Any person procuring said license is hereby authorized to charge an admission fee to such exhibition or contest.

Misdemeanor and penalty. SEC. 9. Any person or persons who shall participate in, conduct, or manage any glove contest or exhibition contrary to the provisions of this Act, shall be deemed guilty of a misdemeanor and on conviction thereof be punished by a fine of not less than two hundred dollars nor more than one thousand dollars or by imprisonment in the County Jail not to exceed six months.

To take effect. SEC. 10. This Act shall take effect from and after its passage. All Acts and parts of Acts in conflict herewith are hereby repealed.

CHAP. III.—*An Act to provide for the copying of the Journal of the Senate for the Eighteenth Session.*

[Approved February 4, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of one hundred dollars (\$100) is hereby appropriated out of the Legislative Fund of the State Treasury, to be paid to Mrs. Ida Osgood for copying the Journal of the Senate for the Eighteenth Session of the Nevada Legislature for the State Printer. Appropriation for copying Senate Journal.

SEC. 2. Upon the receipt of a certificate from the Honorable Eugene Howell Secretary of State that the Journal of the Senate for the Eighteenth Session of the Nevada Legislature has been correctly copied and delivered to the Secretary of State, the Controller shall draw his warrant in favor of the said Mrs. Ida Osgood named in section one of this Act, for the said sum of one hundred dollars, and the State Treasurer shall pay the same. Secretary of State to certify.

CHAP. IV.—*An Act to provide for the issuance of bonds by the County of Ormsby and to provide for the payment of the same, in order to provide for the payment of eight thousand dollars of the bonds of said county heretofore issued and now outstanding, which were issued in pursuance and by virtue of an Act of the Legislature of the State of Nevada, entitled "An Act to establish and provide for an Indian School," approved January 25, 1887.*

[Approved February 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of County Commissioners of said Ormsby county are hereby authorized and empowered to prepare and issue the bonds of said county in an amount not exceeding eight thousand dollars, in the manner and form hereinafter provided. County Commissioners to issue bonds.

SEC. 2. The Board of County Commissioners of said Ormsby county shall cause such bonds to be prepared in proper form; they shall be signed by the Chairman of the Board, and countersigned by the Clerk, who shall attach thereto the county seal. Said bonds shall bear interest at the rate of six per cent per annum, interest payable annually, on the tenth day of December of each year. They shall have proper interest coupons attached thereto, which shall be signed by the Chairman of the Board. The first coupon upon each of the bonds shall represent the fractional part of one year's interest from the date of its issue to the tenth day of December next ensuing. Said bonds shall be payable to bearer at the office of the County Treasurer Form of bond. Shall bear interest. Coupons.

Where payable and to whom.

in said county in not less than ten years nor more than twenty years from their date, and each bond shall express upon its face that the county of Ormsby may redeem it at its option on the tenth day of any December after ten years from its date. Both principal and interest of said bonds shall be payable in lawful money of the United States of America.

Redemption of bonds.

SEC. 3. Whenever the Board of County Commissioners of said Ormsby county shall elect to redeem any bond or bonds issued in pursuance of this Act, after the same have run ten years, they shall so notify the County Treasurer, and the County Treasurer shall so notify the party presenting the interest coupon of such bond or bonds for payment, and such notice shall operate to stop the accruing of further interest on such bond or bonds, and if the coupon upon any bond or bonds next falling due after such election to redeem, shall not be presented for payment, the interest upon such bond or bonds shall cease without notice; *provided*, there be funds in the County Treasury set apart for the payment of the same, and such money shall remain in the treasury for the redemption of such bond or bonds when presented.

Denomination of bonds

SEC. 4. Said bonds shall be issued in denominations of not less than five hundred dollars, and not more than one thousand dollars, and shall be redeemed in the order of their number.

Fund created

SEC. 5. The bonds herein provided for shall be sold by the Board of County Commissioners of said Ormsby county to the highest bidder for cash for the same; *provided*, that the said Board of County Commissioners shall have the right to reject any or all bids. The proceeds of such sale or sales shall be placed in the County Treasury of Ormsby county to the credit of "Indian School Bond Redemption Fund," which fund is hereby created for the purposes mentioned in this Act.

Tax levy for payment of bonds.

SEC. 6. For the purpose of creating a fund for the payment of the bonds hereby authorized, the Board of County Commissioners of Ormsby county, Nevada, are hereby authorized and directed, and they shall levy and collect annually, at the time of the annual levy of taxes for State and county purposes, and annually thereafter until all the bonds and coupons issued under the provisions of this Act, have been fully paid or provided for, a tax sufficient to pay the accruing interest, and to redeem such of said bonds after ten years from their date as the Board of County Commissioners of said Ormsby county, may elect to redeem, not exceeding twenty-five cents in any one year upon each one hundred dollars of the taxable property of Ormsby county and all moneys arising from such tax shall be paid into the County Treasury and placed in a fund which is hereby created to be known as "Indian School Bond Redemption Sinking Fund," to be used for the payment of said bonds and the coupons thereof when the same become due, and shall not be diverted to any other purpose whatever.

County Treasurer to pay interest coupons.

SEC. 7. The County Treasurer of said Ormsby county, Nevada, is hereby authorized and directed to pay all interest coupons as the same shall fall due, upon the presentation and

surrender by the holder of the coupon therefor, and to redeem said bonds after ten years from the date of their issue to the amount of two thousand dollars each year until the full amount of said bonds has been fully paid and redeemed.

SEC. 8. The bonds provided for in this Act shall be issued and sold for the purpose of providing funds for the payment of eight thousand dollars of the bonds of said county issued under and pursuant to the provisions of an Act of the Legislature of the State of Nevada, entitled "An Act to establish and provide for an Indian School," approved January 25, 1887.

Purpose of bonds.

SEC. 9. The faith of the State of Nevada is hereby solemnly pledged that this Act shall never be repealed or so modified in any way as to impair the security of those who shall hold or purchase the bonds herein provided for.

State of Nevada pledged.

CHAP. V.—*An Act to provide for the issuance of bonds by the County of Ormsby and to provide for the payment of the same, in order to provide for the payment of ten thousand dollars of the bonds of said county heretofore issued and now outstanding, which were issued in pursuance and by virtue of an Act of the Legislature of the State of Nevada entitled "An Act to authorize the issuance of certain bonds by Ormsby county and to provide for the payment of the same," approved March 9, 1889.*

[Approved February 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of County Commissioners of Ormsby county are hereby authorized and empowered to prepare and issue the bonds of said county in an amount not exceeding ten thousand dollars, in the manner and form hereinafter provided.

County Commissioners to issue bonds.

SEC. 2. The Board of County Commissioners of said Ormsby county shall cause such bonds to be prepared in proper form; they shall be signed by the Chairman of the Board, and countersigned by the Clerk, who shall attach thereto the county seal. Said bonds shall bear interest at the rate of six per cent per annum, interest payable annually, on the tenth day of December of each year. They shall have proper interest coupons attached thereto, which shall be signed by the Chairman of the Board. The first coupon upon each of the bonds shall represent the fractional part of one year's interest from the date of its issue to the tenth day of December next ensuing. Said bonds shall be payable to bearer at the office of the County Treasurer in said county in not less than ten years nor more than twenty years from their date, and each bond shall express upon its face that the county of Ormsby may redeem it at its option on the tenth day of any December

Form of bond.

Shall bear interest.

Coupons.

Where and to whom payable.

after ten years from its date. Both principal and interest of said bonds shall be payable in lawful money of the United States of America.

Redemption
of bonds.

SEC. 3. Whenever the Board of County Commissioners of said Ormsby county shall elect to redeem any bond or bonds issued in pursuance of this Act, after the same have run ten years, they shall so notify the County Treasurer, and the County Treasurer shall so notify the party presenting the interest coupon of such bond or bonds for payment, and such notice shall operate to stop the accruing of further interest on such bond or bonds, and if the coupon upon any bond or bonds next falling due after such election to redeem, shall not be presented for payment, the interest upon such bond or bonds shall cease without notice; *provided*, there be funds in the County Treasury set apart for the payment of the same, and such money shall remain in the treasury for the redemption of such bond or bonds when presented.

Denomina-
tion of bonds.

SEC. 4. Said bonds shall be issued in denominations of not less than five hundred dollars, and not more than one thousand dollars, and shall be redeemed in the order of their number.

Fund
created.

SEC. 5. The bonds herein provided for shall be sold by the Board of County Commissioners of said Ormsby county to the highest bidder for cash, for the same; *provided*, that the said Board of County Commissioners shall have the right to reject any or all bids. The proceeds of such sale or sales shall be placed in the County Treasury of Ormsby county to the credit of "Ormsby County Agricultural Association Bond No. 1 Redemption Fund," which fund is hereby created for the purposes mentioned in this Act.

Tax levy for
payment of
bonds.

SEC. 6. For the purpose of creating a fund for the payment of the bonds hereby authorized, the Board of County Commissioners of Ormsby county, Nevada, are hereby authorized and directed, and they shall levy and collect annually, at the time of the annual levy of taxes for State and county purposes, and annually thereafter until all the bonds and coupons issued under the provisions of this Act, have been fully paid or provided for, a tax sufficient to pay the accruing interest, and to redeem such of said bonds after ten years from their date as the Board of County Commissioners of said Ormsby county, may elect to redeem, not exceeding twenty-five cents in any one year upon each one hundred dollars of the taxable property of Ormsby county and all moneys arising from such tax shall be paid into the County Treasury and placed in a fund which is hereby created to be known as "Ormsby County Agricultural Association Bond No. 1 Redemption Sinking Fund," to be used for the payment of said bonds and the coupons thereof when the same become due, and shall not be diverted to any other purpose whatever.

County
Treasurer to
pay interest
coupons.

SEC. 7. The County Treasurer of said Ormsby county, Nevada, is hereby authorized and directed to pay all interest coupons on the same shall fall due, upon the presentation and surrender by the holder of the coupon therefor, and to redeem

said bonds after ten years from the date of their issue to the amount of two thousand dollars each year until the full amount of said bonds has been fully paid and redeemed.

Sec. 8. The bonds provided for in this Act shall be issued and sold for the purpose of providing funds for the payment of ten thousand dollars of the bonds of said county issued under and pursuant to the provisions of an Act of the Legislature of the State of Nevada, entitled "An Act to authorize the issuance of certain bonds by Ormsby county and to provide for the payment of the same," approved March 9, 1889.

Purpose of bonds.

Sec. 9. The faith of the State of Nevada is hereby solemnly pledged that this Act shall never be repealed or so modified in any way as to impair the security of those who shall hold or purchase the bonds herein provided for.

State of Nevada pledged.

CHAP. VI.—*An Act to require the payment of poll tax by all legal voters under sixty years of age.*

[Approved February 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The name of no person under the age of sixty years shall be registered by any Registry Agent until such person shall exhibit a proper receipt for the poll tax required by law for the then current year and also for the preceding year when such person shall have been an inhabitant of the State of Nevada during the last six months of the preceding year; provided, that if the applicant for registration has not paid such poll tax, or poll taxes, it shall be lawful for him to pay the same to the Registry Agent to whom he applies for registration, and receive the proper poll tax receipt, therefor. The County Auditor shall deliver to the several Registry Agents of his county such number of blank poll tax receipts as may from time to time be found necessary, which shall be receipted for, and accounted for by said Registry Agents, in the same manner as County Assessors are required by law to do. The Registry Agents shall on the first Monday in each month, during the time of registration and the first month thereafter, pay over to the County Auditor of their respective counties the aggregate amount of all poll taxes by them collected during the preceding month. No person having paid poll tax for the current year or the preceding year in any county in the State of Nevada shall be required to pay such tax the second time, but in case any applicant for registration shall have lost his poll tax receipt, or the same shall have been destroyed, the Registry Agent shall accept as its equivalent a written certificate from any County Assessor, or his duly authorized deputy, certifying that such poll tax receipt was duly delivered to the applicant for registration, and all County Assessors

Must show poll tax receipt before registering.

and their duly authorized deputies shall promptly deliver, free of charge, such certificates to applicants therefor.

SEC. 2. No member of any political committee, or association representing any political party, nor any candidate for any public office, shall, in person, or by agent, either directly or indirectly, pay the poll tax of any voter, nor give, advance, or loan money to pay the same.

SEC. 3. No voter, either in person or by agent, directly or indirectly, shall solicit the payment of his poll tax, or the advancement or the loan of money with which to pay the same, from any political committee or association representing any political party, or from any member thereof, or from any candidate for any public office.

Misdemeanor
and penalty.

SEC. 4. Any person violating any provision of this Act, or failing to comply with the requirements thereof, shall be deemed guilty of a misdemeanor and upon due conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than fifty days, nor more than six months, or may be punished by both such fine and imprisonment.

CHAP. VII.—*An Act to authorize the Honorable C. E. Mack, District Judge of the First Judicial District of the State of Nevada, to sign records in the Counties of Storey, Ormsby, Lyon, Douglas and Esmeralda.*

[Approved February 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Lawful to
sign unsigned
records.

SECTION 1. It shall be lawful from and after the passage of this Act, for the Honorable C. E. Mack, District Judge of the District Court of the First Judicial District of the State of Nevada, at any time during his continuance in such office, to sign any records of his Court, in the counties of Storey, Ormsby, Lyon, Douglas and Esmeralda, that may have been left unsigned by the Honorable Richard Rising, his predecessor, at the time of going out of office.

Signature
made legal.

SEC. 2. Said records when thus signed shall have the same legal force and effect that they would be entitled to, had they been signed by the Honorable Richard Rising, District Judge, while in the exercise of his office.

CHAP. VIII.—*An Act fixing the fees of the County Clerk of Ormsby county for making out naturalization papers.*

[Approved February 12, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The County Clerk of Ormsby county shall charge fees as follows: For making out naturalization papers, including all necessary oaths, affirmations and certificates for the first papers, the sum of two dollars and a half; for making out naturalization papers, including all necessary oaths, affirmations and certificates for the final papers, the sum of five dollars. Clerk's fees.

SEC. 2. All Acts and parts of Acts in so far as they conflict with the provisions of this Act are hereby repealed.

CHAP. IX.—*An Act to repeal an Act entitled "An Act providing for the appointment of a Janitor for the committee rooms of the Legislature," approved January 25, 1887.*

[Approved February 12, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. An Act of the Legislature of the State of Nevada entitled "An Act providing for the appointment of a Janitor for the committee rooms of the Legislature," approved January 25, 1887, is hereby repealed. Act providing for Janitor repealed.

SEC. 2. This Act shall take effect on the first day of April, 1897.

CHAP. X.—*An Act to amend an Act to provide for the election of School Trustees and matters properly connected therewith, approved, March 19th, 1891.*

[Approved February 12, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Section seven. Any person offering to vote may be challenged by any elector of the district, and the Judges of Election must thereupon administer to the person challenged an oath in substance as follows: You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this State six months, and in this county thirty days, and in this School District thirty days next preceding this election, and that you have not before Judges of Election to administer oath.

Oath.

and their duly authorized deputies shall promptly deliver, free of charge, such certificates to applicants therefor.

SEC. 2. No member of any political committee, or association representing any political party, nor any candidate for any public office, shall, in person, or by agent, either directly or indirectly, pay the poll tax of any voter, nor give, advance, or loan money to pay the same.

SEC. 3. No voter, either in person or by agent, directly or indirectly, shall solicit the payment of his poll tax, or the advancement or the loan of money with which to pay the same, from any political committee or association representing any political party, or from any member thereof, or from any candidate for any public office.

Misdemeanor
and penalty.

SEC. 4. Any person violating any provision of this Act, or failing to comply with the requirements thereof, shall be deemed guilty of a misdemeanor and upon due conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than fifty days, nor more than six months, or may be punished by both such fine and imprisonment.

CHAP. VII.—*An Act to authorize the Honorable C. E. Mack, District Judge of the First Judicial District of the State of Nevada, to sign records in the Counties of Storey, Ormsby, Lyon, Douglas and Esmeralda.*

[Approved February 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Lawful to
sign unsigned
records.

SECTION 1. It shall be lawful from and after the passage of this Act, for the Honorable C. E. Mack, District Judge of the District Court of the First Judicial District of the State of Nevada, at any time during his continuance in such office, to sign any records of his Court, in the counties of Storey, Ormsby, Lyon, Douglas and Esmeralda, that may have been left unsigned by the Honorable Richard Rising, his predecessor, at the time of going out of office.

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SEC. 2. Said records when thus signed shall have the same legal force and effect that they would be entitled to, had they been signed by the Honorable Richard Rising, District Judge, while in the exercise of his office.

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SEC. 2. This Act shall take effect on the first day of April, 1897.

CHAP. X.—*An Act to amend an Act to provide for the election of School Trustees and matters properly connected therewith, approved, March 19th, 1891.*

[Approved February 12, 1897.]

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SECTION 1. Section seven of said Act is hereby amended so as to read as follows:

Section seven. Any person offering to vote may be challenged by any elector of the district, and the Judges of Election must thereupon administer to the person challenged an oath in substance as follows: You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this State six months, and in this county thirty days, and in this School District thirty days next preceding this election, and that you have not before Judges of Election to administer oath.

and their duly authorized deputies shall promptly deliver, free of charge, such certificates to applicants therefor.

SEC. 2. No member of any political committee, or association representing any political party, nor any candidate for any public office, shall, in person, or by agent, either directly or indirectly, pay the poll tax of any voter, nor give, advance, or loan money to pay the same.

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SEC. 4. Any person violating any provision of this Act, or failing to comply with the requirements thereof, shall be deemed guilty of a misdemeanor and upon due conviction thereof shall be fined in any sum not less than one hundred dollars nor more than five hundred dollars, or be imprisoned in the county jail for not less than fifty days, nor more than six months, or may be punished by both such fine and imprisonment.

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Section seven. Any person offering to vote may be challenged by any elector of the district, and the Judges of Election must thereupon administer to the person challenged an oath in substance as follows: You do swear that you are a citizen of the United States, that you are twenty-one years of age, that you have resided in this State six months, and in this county thirty days, and in this School District thirty days next preceding this election, and that you have not before Judges of Election to administer oath.

Oath.

voted this day. If he takes the oath prescribed in this section his vote must be received, otherwise his vote must be rejected. Illegally voting under this Act shall be punished the same as the law now provides for punishing offenses of this character.

CHAP. XI.—*An Act to amend section three of an Act entitled "An Act for the preservation of wild game, and for the preservation of beaver and otter within the State of Nevada, and to repeal all other Acts in relation thereto," approved February 27, 1893, as amended and approved March 2, 1895.*

[Approved February 15, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of said Act is amended so as to read as follows:

Close season
for sagecock.

Section three. It shall be unlawful for any person or persons, firm, company, corporation or association to catch, kill, net, pound, weir, cage, trap or destroy, or to pursue with such intent, between the first day of March of each and every year, and before the fifteenth day of August following, any sage cock, hen or chicken within this State, except the counties of Elko, Eureka, Lander and Humboldt, the close season for which shall be from the first day of March to the first day of July, and each and every person or persons, firm, company, corporation or association who shall sell, buy, transport or give away, or offer or expose for sale, or have in his or their possession any sage cock, hen, or chicken that have been taken, killed, captured, snared, netted, pounded, weired, caged or trapped, contrary to the provisions of this section, shall be guilty of a misdemeanor and punished as hereinafter provided.

CHAP. XII.—*An Act to provide for copying the Journal of the Assembly for the Eighteenth Session*

[Approved February 15, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Copying
Journal of
Assembly.

SECTION 1. The sum of one hundred and fifty dollars (\$150) is hereby appropriated out of the Legislative Fund of the State Treasury to be paid to Mrs. J. E. Miller for copying the Journal of the Assembly for the Eighteenth Session of the Nevada State Legislature, for the State Printer.

Controller to
draw war-
rant.

SEC. 2. Upon the receipt of a certificate from Eugene Howell, Secretary of State, that the Journal of the Assembly for the Eighteenth Session of the Nevada Legislature has been

correctly copied and delivered to the Secretary of State, the Controller shall draw his warrant in favor of the said Mrs. J. E. Miller, named in section one of this Act, and the State Treasurer shall pay the same.

CHAP. XIII.—*An Act to pay the deficiencies in the appropriations for the years 1895 and 1896.*

[Approved February 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four thousand five hundred and fifty-three dollars and forty-two cents (\$4,553 42) is hereby appropriated out of any moneys in the General Fund of the State for the payment of the deficiencies in the appropriations for the years A. D. 1895 and 1896 as follows: California Institution for Deaf, Dumb and Blind, \$579 40; Morning Appeal, \$15; Gazette Publishing Company, \$12; Nevada State Journal, \$5; Virginia Evening Chronicle, \$45 50; William Kinney, \$15; George T. Mills, \$1,317 22; Will U. Mackey, \$448 30; Reinhold Sadler, \$216; Eugene Howell, \$1,200; Ada Torreyson, \$148; Bullion and Exchange Bank, \$115 15; R. M. Beatty, \$436 85.

Appropriation to pay deficiency.

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of the persons above named for the several amounts specified in this Act, and the State Treasurer is hereby directed to pay the same.

Controller to draw warrant.

CHAP. XIV.—*An Act to provide relief for H. C. Cutting.*

[Approved February 18, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of twenty-eight hundred dollars is hereby appropriated out of any money in the General Fund of the State Treasury, not otherwise appropriated, to be paid to H. C. Cutting for services rendered to the State of Nevada as ex officio Curator of the State Museum.

Appropriation for H. C. Cutting.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the aforesaid H. C. Cutting for the amount aforesaid, and the State Treasurer is hereby directed to pay the same.

Controller to draw warrant.

CHAP. XV.—*An Act to amend section one hundred and sixty-three of an Act entitled "An Act to regulate proceedings in criminal cases in the courts of justice in the Territory of Nevada," approved November 26, 1861.*

[Approved February 18, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Amend section one hundred and sixty-three.

SECTION 1. Section one hundred and sixty-three of the above entitled Act is hereby amended so as to read as follows: Section one hundred and sixty-three. If the offense be bailable, and bail be taken by the magistrate, the following words, or words to the same effect, shall be added to the indorsement: "And I have admitted him to bail to answer by the recognizance hereto annexed." *Provided*, that if the offense charged constitutes a felony, no bail shall be accepted in a less sum than five hundred dollars.

CHAP. XVI.—*An Act to regulate the herding or grazing of sheep within a distance of four miles of the town of Austin, Lander county, Nevada.*

[Approved February 24, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Grazing sheep near Austin.

SECTION 1. Any person or persons, firm, company, association or corporation, or the managing agent of any person or persons, firm, company, association or corporation, owning, controlling or having in their possession, charge or care, any sheep of a greater number than fifty (50) head, who shall herd, graze or pasture said sheep on any Government land, situate within four miles of the town limits of the town of Austin, in Lander county, State of Nevada, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars, nor less than ten dollars or by imprisonment in the County Jail, for a term of not more than fifty days, nor less than ten days.

CHAP. XVII.—*An Act to amend an Act entitled "An Act to amend section two hundred and forty-five of an Act entitled 'An Act to regulate proceedings in civil cases, in courts of justice in this State, and to repeal all other Acts in relation thereto,' approved March 8, 1869," approved March 16, 1895.*

[Approved February 25, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section two hundred and forty-five of said Act is hereby amended so as to read as follows :

Section two hundred and forty-five. The Judge or referee may order any property of the judgment debtor not exempt from execution, in the hands of such debtor or any other person, or due to the judgment debtor, to be applied towards the satisfaction of the judgment, except that the earnings of the debtor not exceeding fifty dollars for his personal services for the calendar month during, or immediately preceding, that in which process has been issued shall not be so applied when it shall be made to satisfactorily appear by the affidavit of the debtor, or otherwise, that such earnings are necessary for the use of a family supported wholly or partly by his labor; *provided*, that when it shall satisfactorily appear by affidavit, or otherwise, that the judgment debtor, or his assignee, has received payment, or payments, on account of such personal earnings during such calendar month then only the difference between the amount of such payment, or payments, and fifty dollars shall be exempt from execution.

Relating to
civil cases.

CHAP. XVIII.—*An Act to prevent the adulteration of candy.*

[Approved February 26, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. No person, firm, or corporation shall, either directly or by agent or employe, or as the agent or employe of any other person, firm, or corporation, manufacture for sale, or knowingly sell, or offer for sale any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, or by poisonous colors, or flavors, or other matters or ingredients deleterious or injurious to health.

Sale of
adulterated
candy.

SEC. 2. Any candy so adulterated shall be seized by any police, constabulary or arresting officer, and shall be destroyed under the direction of the Judge of the Court before whom any complaint shall be made for a violation of any provision or requirement of this Act.

Adulterated
to be
destroyed.

SEC. 3. Any person violating any provision or requirement of this Act shall be punished by a fine not exceeding one hundred dollars, nor less than ten dollars, or by imprisonment in the County Jail for a period not exceeding fifty days, nor less than twenty-five days.

Penalty.

CHAP. XIX.—An Act to amend section four of an Act entitled "An Act defining the duties of State Treasurer," approved February 2, 1866.

[Approved February 26, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Duties of
State Treas-
urer.

Section four. He shall receive and keep all moneys of the State not expressly required by law to be received and kept by some other person; shall receipt to the Controller for all moneys received, from whatever source, and at the time of receiving the same; shall disburse the public moneys upon warrants drawn upon the Treasury by the Controller of State, and not otherwise. Such warrants shall be registered, and paid in the order of their registry. He shall keep a just, true and comprehensive account of all moneys received and disbursed, and shall deliver to his successor in office all moneys records, books and papers and other things belonging to his office in good order; and keep his office open, for the transaction of business every day of the year, Sundays and other non-judicial days excepted.

CHAP. XX.—An Act to amend section six of an Act entitled "An Act defining the rights of husband and wife," approved March 10, 1873.

[Approved February 27, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Husband to
control com-
munity prop-
erty.

Section six. The husband has the entire management and control of the community property, with the like absolute power of disposition thereof, except as hereinafter provided, as of his own separate estate; *provided*, that no deed of conveyance, or mortgage, of a homestead as now defined by law regardless of whether a declaration thereof has been filed or not, shall be valid for any purpose whatever unless both the husband and wife execute and acknowledge the same as now provided by law for the conveyance of real estate.

CHAP. XXI.—*An Act to create the office of Road Inspector, to provide for work on public roads and to limit the compensation therefor.*

[Approved February 27, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The office of Road Inspector is hereby created. The duties of the office shall be to order, superintend, inspect and approve, if properly done, all work upon the public roads in the road district for which he may be appointed, as well as that to be done by Supervisors, if any there be, as that done by other persons; to report thereon to the Board of County Commissioners, and to approve all proper bills for road work before they are presented to said Board for allowance.

Duties of
Road
Inspector.

SEC. 2. The Board of County Commissioners in each county may appoint one Road Inspector for each road district now existing or which may hereafter be created in any county of this State, to hold office at the will of said Board.

Board of
County Com-
missioners
may appoint

SEC. 3. The office of Road Inspector shall be without compensation, and no money shall be paid from public funds to defray any expenses incurred therein, or thereby, unless by order of the Board of Commissioners there shall be especially prescribed a limit of compensation for said office in each road district, which order shall especially name the road district wherein said compensation may be given; and no Road Inspector shall receive any compensation as such officer, unless such compensation shall have been fixed by the Board of Commissioners within the limit aforesaid, in and for such road district, previously to his appointment as such Road Inspector.

Relative to
compensa-
tion.

SEC. 4. When a compensation is given it shall be paid to the Road Inspector from the Road Fund of the district in and for which any services by him are performed.

Paid from
Road Fund.

SEC. 5. Such compensation shall be a daily wage and shall not exceed the limit especially prescribed by law for that county; and shall be fixed by the Board of County Commissioners before the appointment of the Road Inspector or Inspectors who are to receive it. The compensation so fixed shall be in full for all services and expenses of all kinds of said Road Inspector or Inspectors.

Compensa-
tion fixed by
Board of
County Com-
missioners.

SEC. 6. Compensation to others than the Road Inspector shall be: Not to exceed three dollars for a day's work on the public roads by one man, or not to exceed four dollars, by one man and span of two draft animals, and one dollar additional for each such additional span. The person so compensated shall, without additional charge, furnish such tools, implements, vehicle, etc. as may be necessary in his work.

Compensa-
tion of road
laborers and
teams.

SEC. 7. A day's work on the public roads shall consist of at least eight hours actual labor, exclusive of the time spent in going to and returning from the work, and in no case shall

Day's work.

pay be given for more than one day's time between sunrise and sunset of the same day, to or for the same person.

Elko county
rate.

SEC. 8. The rate of compensation for Road Inspector for the county of Elko shall not exceed the sum of two dollars per day for each day actually, necessarily, and economically employed.

CHAP. XXII.—*An Act to regulate the condemnation of property for public use.*

[Approved February 27, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Who may
condemn
property.

SECTION 1. Any person, corporation, civil, municipal, or political organization, by law authorized so to do, may condemn any property, or interest therein, which may be necessary for public use, in the manner only provided for by this Act.

Must file
notice.

SEC. 2. The plaintiff seeking condemnation shall commence an action in the District Court of the county in which the property sought to be condemned, or some part thereof, is situated, in the same manner as other civil actions are commenced therein, and shall file with the Recorder of said county, a notice of the pending of the said action.

Describe
property.

SEC. 3. The complaint shall describe the property, or interest therein, sought to be condemned, with reasonable certainty, the use for which it is to be acquired, that the use is public and necessary, and shall contain the names of three competent and disinterested persons, residents and householders of the county, as jurors on the part of the plaintiff.

Defendants.

SEC. 4. All persons appearing of record as having or claiming any right, title or interest, in or to the property sought to be condemned, or any part, thereof, or in possession, shall be made defendants and may all be joined as defendants in one action, whether their rights, title, interest, claims or possessions extend to the whole or a part of the property sought to be condemned.

Repeal.

SEC. 5. All the provisions of an Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869, and all Acts and parts of Acts amendatory thereof, or supplemental thereto, are made applicable to and shall control said action, except when inconsistent or in conflict with the provisions of this Act.

Defendants
may answer.

SEC. 6. The defendants may answer jointly or separately, but the answer shall set forth clearly and concisely the nature and extent of the right, title, interest, claim and possession of each defendant in or to the property or a part thereof, sought to be condemned, and the amount which it is claimed would be a just compensation for the taking thereof. It shall also contain the names of three competent and disinterested persons, residents and householders of said county, as jurors on

the part of the defendant. A failure on the part of any party to the action to so name jurors shall be a waiver of the right to select names for any of them. The averments of the answer shall be deemed controverted by the plaintiff.

SEC. 7. On or before the trial of said action the Judge of said court shall name five competent and disinterested persons, residents and householders of said county to act as jurymen in said action, two of whom shall be persons named by the plaintiff in its complaint, if any are so named, and two shall be persons named by the defendants or some of them in the answer, if any are so named. If any juror named by a party and selected, is disqualified, incompetent, or unable to act, he shall be excused, and his place shall be filled by a juror selected from the names theretofore or then to be selected by the person who named the juror who was excused. Said five jurors, when so selected, shall constitute the jury to hear said cause and find the amount which shall be just compensation to the owners for the property, or interest therein, sought to be condemned; and their findings thereon shall have the same force and effect as a finding of the amount of damages by the general verdict of a jury in an action for damages for the conversion of specific personal property. All other issues shall be tried by the court.

Five jurors
to try the
action.

SEC. 8. Upon the trial of said action the defendant shall have the burden of proof as to what is just compensation, and shall have the right to open and close the argument before the jury. In ascertaining and assessing such compensation the jury shall take into consideration, and make allowance for, any benefit or advantage that in its opinion will accrue to such person, or persons, by reason of the use or improvement of said property as proposed by the plaintiff. A view of the property by the jurors shall be had upon the motion of either party or order of the Judge. Three of said jurors may find a verdict.

Burden of
proof.

SEC. 9. Judgment shall be entered upon the verdict, by the court, upon motion, for the amount so found, and may order the money to be apportioned amongst the defendants according to the rights of the several parties, as shown by the proofs. Costs may be awarded, or apportioned, as the court may direct. For their services the jurors shall receive three dollars per day from the plaintiff but no mileage shall be allowed to the said jurors.

Judgment
entered.

SEC. 10. At any time after the rendition of the verdict the plaintiff may pay to the clerk of said court the amount of the verdict and such costs as are adjudged against it, and said payment shall be deemed and taken as a payment to the owners of the said property and shall be as effectual for all purposes whatsoever as if the said sum of money had been personally paid to each and all of the persons entitled thereto.

Plaintiff to
pay clerk.

SEC. 11. Upon said payment being made and a judgment of condemnation entered in said action, the real estate, or right, title or interest therein described in the complaint, and for which compensation was awarded by said verdict shall be

When to
become
property of
plaintiff.

and become the property of said plaintiff for the purposes for which it was condemned and shall be deemed to be acquired and appropriated for such public use, and any time after such payment is made and judgment entered the plaintiff shall have the right to enter upon and take possession of the property so condemned, and oust and eject therefrom the defendants and any and all persons claiming by or through them, or either of them, subsequent to the filing of said notice with the County Recorder; and said plaintiff may recover possession of said premises and be put into the possession thereof by legal process in the same manner and with the same force and effect as in an action for the recovery of the possession of specific real estate.

Rights not
affected.

SEC. 12. The payment of said sums to said clerk shall not affect the right of any party to move for a new trial or to appeal the said action, but the receipt of any part of said sum by any defendant, either in person or by attorney, shall be deemed a waiver by said defendant of the right to move for a new trial or to take an appeal in the said action, and no such payment shall be made by the clerk to any defendant who has given notice of a motion for a new trial or of an appeal, unless upon the order of the Judge of said court. Neither the pendency nor the granting of a new trial, or of an appeal, shall operate as a stay of said judgment, or execution thereon, or prevent the plaintiff from securing and maintaining possession of the property so condemned.

New trial
may be
granted.

SEC. 13. If a new trial is granted, or on appeal the judgment is modified, reversed, or affirmed, the money so paid by the plaintiff and held by the clerk shall be paid as the Court may direct, and if it is finally determined that the sum so paid and received is more or less than what was jointly due, the party entitled thereto shall have a judgment against the adverse party for such excess of deficiency.

CHAP. XXIII.—*An Act to define the rights and responsibilities of owners of telephone lines in the State of Nevada.*

[Approved March 1, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Rights of
owners.

SECTION 1. All persons or corporations owning telephone lines now in operation or who may hereafter construct and operate such lines in the State of Nevada, shall be entitled to all the rights and privileges and be subject to all the restrictions and responsibilities provided for in an Act entitled "An Act to provide for constructing and maintaining telegraph lines in the State of Nevada," approved February 9, 1866.

Penalty for
damage.

SEC. 2. Any person who shall willfully or maliciously damage or destroy any telephone line, or in any manner interrupt communication over any telephone line, shall be liable for damages and criminal prosecution in the same manner and to the same extent as if the same were a telegraph line.

CHAP. XXIV.—*An Act to empower the State Board of Education to grant life diplomas to residents of Nevada who have taught ten years.*

[Approved March 1, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The State Board of Education shall grant a life diploma to any resident of the State of Nevada who shall present evidence of having taught successfully and continuously in the public schools of the State of Nevada for a period of ten years. To grant life diploma.

SEC. 2. A life diploma granted under the first section of this Act shall be of the same grade as the certificate held by the applicant at the time of application for the diploma, and shall entitle the holder thereof to teach in any school in the State of Nevada of a grade corresponding to the grade of the certificate upon which the life diploma may be granted. Relating to grade.

CHAP. XXV.—*An Act licensing the sale of cigarettes and cigarette paper, and other matters relating thereto.*

[Approved March 1, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this Act the quarterly license for the sale of cigarettes or cigarette paper shall be fifteen dollars. Cost of license.

SEC. 2. Any person, firm, association or corporation engaged in dealing, in selling, giving away or offering to sell cigarettes or cigarette paper after the passage of this Act, shall take out a quarterly license provided for in section one of this Act. Must take out license.

SEC. 3. It shall be unlawful for any person or persons, firm, association, corporation or managing agent of any person, firm, association or corporation to sell, give away or offer to sell cigarettes or cigarette paper to any person or persons under the age of twenty-one years. Limits age to twenty-one years.

SEC. 4. Any person, firm, association or corporation or the managing agent of any person, firm, association or corporation violating the provisions of this Act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined for each and every offense in any sum not less than one hundred dollars nor more than five hundred dollars. Penalty.

SEC. 5. The license provided for in this Act shall be collected and accounted for in the same manner as other licenses for State and county purposes are now collected.

CHAP. XXVI. *An Act to amend an Act entitled "An Act to provide for free public libraries and other matters relating thereto," approved March 16, 1895.*

[Approved March 1, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Fixing rate
of taxation.

Section one. Whenever a petition for the establishment of a free public library, signed by a majority of the taxpayers or by taxpayers representing a majority of the taxable property, as shown by the last preceding assessment roll of any city, unincorporated town or school district, shall be presented to the Board of County Commissioners of the county in which said city, unincorporated town or school district is situated, accompanied by affidavit of one or more of the signers thereof, that the signatures thereto are genuine, the said Board of County Commissioners shall levy, annually thereafter, in the manner and at the time other taxes are levied, a tax upon all the taxable property of the said city, unincorporated town or school district, of not less than ten cents nor more than fifty cents on each one hundred dollars valuation, of the taxable property therein, for the purpose of creating a fund to be known as the Library Fund.

CHAP. XXVII.—*An Act to grant the right of way and to provide electric lights within the town of Austin, Lander county, State of Nevada.*

[Approved March 1, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Right
granted.

SECTION 1. The exclusive right is hereby granted to James F. Mitchell, George A. Land, O. A. Murdock, their associates and assigns to construct and maintain an electric plant for the purpose of supplying electric power and lights in the town of Austin, Lander county, State of Nevada, and to construct and maintain poles and wires in the streets of said town and upon the grade below town, together with all the necessary appurtenances, and to conduct electricity over said wires and appurtenances to any part of said town for the purpose of furnishing light or power.

Safety
required.

SEC. 2. The owners of said plant shall keep the same in good repair so as not to interfere with the passage of persons or vehicles or the safety of any persons or property. The said plant shall be so constructed with a view to the safety and convenience of persons and property.

SEC. 3. The appurtenances of said plant shall be of the most approved construction for the comfort and convenience of the people of Austin.

SEC. 4. Any person willfully obstructing, hindering or damaging said plant or any of the appurtenances shall be guilty of a misdemeanor, and shall be punished according to the laws of the State of Nevada in such cases made and provided. Penalty.

SEC. 5. The franchise and privilege hereby granted shall continue for the period of twenty-five years from and after the passage of this Act; *provided*, that the grantees herein, their associates or assigns shall commence the construction of said plant on or before the first day of January, 1898, and continue the same to completion with reasonable diligence. Time of grant.

CHAP. XXVIII.—*An Act granting leave of absence to William Easton, Sheriff and ex officio Assessor of Lander county, State of Nevada.*

[Approved March 1, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Leave of absence from the county of Lander and State of Nevada, is hereby granted to William Easton, Sheriff and ex officio Assessor of Lander county, for the period of two months, at any time during his present term of office; *provided*, the said William Easton shall leave in his place during his absence a competent deputy to perform the necessary duties and work of his office. Leave of absence.

CHAP. XXIX.—*An Act to amend section 123 of an Act entitled "An Act to provide revenue for the support of the Government of the State of Nevada, and to repeal certain Acts relating thereto," approved March 23, 1891.*

[Approved March 2, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section one hundred and twenty-three of said Act is hereby amended so as to read as follows:

Section one hundred and twenty-three. Every traveling merchant, hawker, or peddler who shall carry a pack or vend goods, wares, or merchandise of any kind, and every auctioneer, shall pay for such license the sum of ten dollars per month; and every traveling merchant, hawker, or peddler, who shall use a wagon, or one or more animals, for the purpose of vending any goods, wares, or merchandise of any License to peddle.

Sheriff to
issue license.

kind, or wines, fermented or spirituous liquors, shall pay for such license twenty-five dollars per month; *provided*, that nothing in this section be so construed as to apply to the sale of fruits or (the) agricultural products of this State or the State of Utah. The County Auditor shall issue to the Sheriff of the several counties the licenses contemplated in this section, which license so issued shall authorize the holders of the same to vend goods, wares, and merchandise as set forth in said license within the county wherein such licenses are obtained; and it is hereby made the duty of every Justice of the Peace, Constable, Sheriff, and all peace officers, to demand the license of any such peddler, hawker, or other person named herein, and if such person be found not to have a license, as directed by law, the person so offering any goods, wares or merchandise for sale, shall be guilty of misdemeanor, and on conviction shall be fined in any sum not less than fifty, nor more than five hundred dollars.

CHAP. XXX.—*An Act to provide for the building, completion and equipment of a mechanical building and the completion and equipment of the gymnasium at the Nevada State University at Reno, Nevada.*

[Approved March 3, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

To construct
a mechanical
building.

SECTION 1. The Board of Regents of the State University are hereby authorized and directed to construct, complete and equip a suitable building of brick upon the State land at Reno, Nevada, to be set apart for the use of the State University, to be used as a mechanical building for the students attending or to attend said State University.

To complete
gymnasium.

SEC. 2. The Board of Regents of the State University are hereby authorized and directed to complete and equip the gymnasium at the State University at Reno, Nevada.

Appropriation for
buildings.

SEC. 3. The building, completion and equipment of said buildings shall not exceed the sum of twelve thousand dollars, of which sum ten thousand dollars, and no more, shall be used for the building, completion and equipment of the mechanical building, and two thousand dollars, and no more, shall be used for the completion and equipment of the gymnasium.

Contract not
to exceed.

SEC. 4. Twelve thousand dollars are hereby appropriated for the construction, completion and equipment of said mechanical building and for the completion and equipment of said gymnasium, and in no case shall a contract be entered into for the building, completion and equipment of the mechanical building which shall exceed the sum of ten thousand dollars for the building, completion and equipment of said mechanical building, and in no case shall a contract be entered into

for the completion and equipment of the gymnasium which shall exceed the sum of two thousand dollars.

SEC. 5. The money hereby appropriated shall be taken from the State School Fund, and in its place shall be deposited twelve bonds of one thousand dollars each, bearing interest at the rate of four per cent per annum. Said bonds shall run for twenty years, but shall be redeemable by the State at its pleasure after two years. Said bonds shall be signed by the Governor, and State Controller, countersigned by the State Treasurer, and authenticated with the great seal of the State, and shall state in substance that the State of Nevada owes its State School Fund twelve thousand dollars, the interest on which at four per cent per annum she agrees to pay during the life of said bonds for the benefit of the common schools of the State. Said bonds may be lithographed as is usual in similar cases and deposited with the Treasurer of the State. The interest on said bonds shall be paid semi-annually on the first days of January and July of each year on the written order of the State Board of Education to the State Controller, directing him to draw his warrant for the amount of such semi-annual interest on the State University Interest and Sinking Fund hereby created. All sums derived from the interest on said bonds shall go into the General School Fund for the support of the common schools of the State, and for the regular and prompt payment of which the faith and credit of the State is hereby pledged.

To issue
bonds.

Bonds litho-
graphed.

SEC. 6. There shall be levied and collected for the fiscal year commencing January 1, 1897, and annually thereafter, an *ad valorem* tax of one cent on each one hundred dollars of all the taxable property in the State, including the tax upon the proceeds of mines, and all sums derived from this tax shall go into the State University interest and sinking fund for the payment of interest and redemption of bonds herein authorized by this Act.

Tax to be
levied.

CHAP. XXXI.—*An Act to provide for the deficiencies incurred in the building and furnishing of dormitories, and for the construction of the annex for a mechanical building at the Nevada State University at Reno, Nevada.*

[Approved March 3, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of eleven thousand seven hundred and sixty-four dollars and twenty cents is hereby appropriated for the payment of following deficiencies incurred by the Regents of the State University at Reno, Nevada, in the construction and furnishing of the dormitories at said State University, authorized to be built, constructed and furnished by the Act of the Legislature of the State of Nevada entitled

Appropriation for
deficiencies.

Amounts
appropriated

"An Act to provide for the building and furnishing of dormitories and for the purchase of additional land at the State University at Reno, Nevada," approved February 15, 1895: For the heating, plumbing and furnishing of the building used by male students, four thousand two hundred and twenty-six dollars and forty-five cents. For completing, heating, plumbing and furnishing of the building used by the female students, five thousand seven hundred and eighty-nine dollars and seventy-five cents. For the completion of the annex to the mechanical building mentioned in the title of this Act, one thousand four hundred and ninety-eight dollars. For amount due Richard Ryland for extra work under his contract for the construction of the building used by male students by reason of changes made by the use of other stone than that contemplated in the making of the contract, two hundred and fifty dollars.

Board of
Regents to
pay amounts

SEC. 2. The Board of Regents are hereby directed to pay the amounts so appropriated for the purposes named in section one of this Act.

To issue
bonds.

SEC. 3. The money hereby appropriated shall be taken from the State School Fund, and in its place shall be deposited twelve bonds, eleven of which shall be for a thousand dollars each, and one of which shall be for seven hundred and sixty-four dollars and twenty cents, bearing interest at the rate of four per cent per annum. Said bonds shall run for twenty years, but shall be redeemable by the State at its pleasure after two years. Said bonds shall be signed by the Governor and State Controller, countersigned by the State Treasurer, and authenticated with the Great Seal of the State, and shall state in substance that the State of Nevada owes its said school fund eleven thousand seven hundred and sixty-four dollars and twenty cents, the interest on which at four per cent per annum she agrees to pay during the life of said bonds for the benefit of the common schools of the State. Said bonds may be lithographed as is usual in similar cases, and deposited with the Treasurer of the State. The interest on said bonds shall be paid semi-annually on the first days of January and July of each year on the written order of the State Board of Education to the State Controller, directing him to draw his warrant for the amount of such semi-annual interest on the State University Interest and Sinking Fund hereby created. All sums derived from the interest on said bonds shall go into the General School Fund for the support of the common schools of the State, and for the regular and prompt payment of which the faith and credit of the State is hereby pledged.

Who to sign
bonds.

Bonds to be
lithographed

Tax levy.

SEC. 4. There shall be levied and collected for the fiscal year commencing January 1, 1897, and annually thereafter, an *ad valorem* tax of one cent on each one hundred dollars of all the taxable property in the State, including the tax upon the proceeds of mines, and all sums derived from this tax shall go into the State University Interest and Sinking Fund for the payment of interest and redemption of bonds herein authorized by this Act.

CHAP. XXXII.—*An Act to fix the State tax levy and to distribute the same to the proper funds.*

[Approved March 5, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the fiscal year commencing January 1, 1897, and annually thereafter, an ad valorem tax of ninety cents on each one hundred dollars of taxable property is hereby levied and directed to be collected for State purposes, upon all taxable property in this State, including net proceeds of mines and mining claims, except such property as is by law exempt from taxation. Of the tax hereby levied, sixty-six and three-tenths cents shall go into the General Fund of the State, eight cents shall go into the Territorial Interest Fund, nine and one-half cents shall go into the State Interest and Sinking Fund, one and one-fifth cents into the State University and Sinking Fund, and five cents into the General School Fund. Tax levy.

CHAP. XXXIII.—*An Act to provide revenue for the support of certain counties in the State of Nevada, and matters pertaining to the apportioning and disbursement thereof.*

[Approved March 5, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. On and after the first Monday in January, 1899, the Board of County Commissioners in the several counties of the State, polling at the last preceding general election more than two hundred and twenty votes and not exceeding two hundred and eighty votes, are hereby authorized and empowered to levy annually, prior to the first Monday in March, in addition to the State tax, an ad valorem tax, for all county purposes, the sum of three dollars on each one hundred dollars valuation of taxable property in the county. Amount of county tax levy.

SEC. 2. The County Treasurer shall apportion the moneys derived from the tax levy for county purposes as follows, to wit: One-seventh to the School Fund, one-tenth to the Interest Fund, one-twelfth to the Contingent Fund, one-twelfth to the Indigent Fund, and the remainder to be equally divided between the General Fund and Officers' Salary Fund. 1901-21
Apportionment of money derived from taxes.

SEC. 3. All allowances heretofore made, on either the General Fund or Officers' Salary Fund, and not paid, or that may hereafter be made on the General Fund, shall be paid in the order of their allowance, beginning with the lowest number. To be paid as allowed.

SEC. 4. Whenever any allowance on said fund is due and payable, and a warrant for the same is not called for, for a period of sixty days, the Auditor is directed to draw a warrant for the next allowance in order and so on until the fund is Preferred claims.

exhausted; but all allowances, so passed, when presented for payment are to be preferred claims on the first moneys going into the fund.

SEC. 5. All Acts and parts of Acts in conflict with this Act are hereby repealed.

CHAP. XXXIV.—*An Act to provide for paying the cost of printing and stationery required in the State Land Office.*

[Approved March 5, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Work for
State Land
Register, to
itemized.

SECTION 1. It is hereby made the duty of the State Printer to keep an accurate account of the cost of all labor employed and material used in performing work for the State Land Office and to render an itemized statement of the same to the State Land Register on the first day of each and every month.

Land Register to examine statement.

SEC. 2. The State Land Register shall examine and certify to the correctness of such statement and shall transmit the same to the Clerk of the State Board of Examiners.

Duty of
Board of
Examiners.

SEC. 3. The State Board of Examiners shall treat such statement in the same manner as a claim against the State, and shall approve the same for such sum as they may find correct.

To transfer
amounts.

SEC. 4. The State Controller and the State Treasurer are hereby authorized and directed to transfer the amounts so allowed from the State School Fund to the General Fund of the State.

CHAP. XXXV.—*An Act to amend section two of an Act entitled "An Act to encourage mining," approved March 3, 1887.*

[Approved March 5, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section two of the above entitled Act is hereby amended, so as to read as follows:

State dis-
claims inter-
est in mineral
lands.

Section two. Every contract, patent or deed hereafter made by this State or the authorized agents thereof, shall contain a provision expressly reserving all mines of gold, silver, copper, lead, cinnabar and other valuable minerals that may exist in such land, and the State, for itself and its grantees, hereby disclaims any interest in mineral lands heretofore or hereafter selected by the State on account of any grant from the United States. All persons desiring titles to mines upon lands which have been selected by the State must obtain such title from the United States under the laws of Congress, notwithstanding such selection.

CHAP. XXXVI.—*An Act to amend an Act entitled "An Act fixing the salaries of the county officers of Lincoln county, and providing for the compensation of a Deputy Sheriff therein," approved February 17, 1887.*

[Approved March 5, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section three. The County Clerk shall receive seven hundred and twenty dollars a year. County Clerk salary.

SEC. 2. Section eight of said Act is hereby amended so as to read as follows:

Section eight. The County Commissioners shall each receive two hundred dollars a year together with the sum of ten cents a mile for going to and returning from the county seat; *provided*, that no mileage shall be allowed or paid for a greater distance than fifty miles from the county seat. Commissioners' salary.

CHAP. XXXVII.—*An Act to provide for the incorporation of mutual fire insurance companies and to define their powers and duties.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any number of persons not less than ten, who shall be residents and householders in the county in which such company is formed, may associate themselves together and form an incorporated company for the purpose of mutual insurance of the property of its members against loss by fire; which property to be insured shall belong to members of the company and embrace dwelling-houses, barns accompanying out-buildings and their contents, creameries, farm implements, hay, grain, wool and other products, live stock, wagons, buggies, carriages, harness, household goods, wearing apparel, provisions, musical instruments, furniture, and libraries being upon farms as farm property, or in dwellings, or in accompanying out-buildings. Formation of mutual fire insurance companies.

SEC. 2. Such corporation shall be formed under the laws of Nevada, governing the formation of corporations and the certificate of incorporation together with its by-laws shall be filed with the State Controller. Laws of Nevada to govern.

SEC. 3. The persons so associating, after having perfected such incorporation and filed their certificate of incorporation, and by-laws with the State Controller as aforesaid may open books to receive applications for membership and enter into agreements in manner hereinafter specified; but no company When to commence business.

organized by this Act shall do any business or take any risks or make any insurance in any county other than the one in which the company is organized ; which county shall be named and set forth in the incorporation papers filed with the Secretary of State and State Controller; *provided*, that no insurance company organized as aforesaid shall commence business until *bona fide* agreements shall have been entered into for insurance with at least twenty-five individuals covering property to be insured to the amount of not less than fifty thousand dollars.

Shall own
real estate,
when.

Sec. 4. No company formed under this Act shall purchase or hold real estate except—

First—Such as shall be necessary for its immediate accommodation in transacting business; or

Second—Such as shall have been conveyed or mortgaged to the company in good faith by way of security for debts ; or

Third—Such as shall have been conveyed to the company in satisfaction of debts ; or

Fourth—Such as shall have been purchased at sale upon judgments, decrees or mortgages in favor of such company or held or owned by it; and all real estate obtained by virtue of any provision of this section, except that mentioned in the first subdivision, shall be sold or disposed of within five years after the title has been perfected in such company unless the company shall procure a certificate from the State Controller that the interest of said company will materially suffer by forced sale, in which event the sale may be postponed for such period as the said Controller shall direct in said certificate—not to exceed ten years in all.

Articles of
incorpora-
tion and by-
laws.

Sec. 5. In addition to the foregoing provisions it shall be the duty of the corporators or any company organized under the provisions of this Act to declare in its articles of incorporation and by-laws, the mode and manner in which the incorporate power given under and by virtue of this Act are to be exercised; the qualification of membership; the mode and manner of electing trustees or directors, who shall be residents of the county in which the company is doing business, the filling of vacancies, and may prescribe therein the liabilities of the members to be assessed toward defraying the losses and expenses of the company and the mode and manner of collecting such assessments.

To be exam-
ined by
Attorney-
General.

Sec. 6. The articles of incorporation and by-laws required to be filed by the corporation shall be examined by the Attorney-General, and if found to be in accordance with the requirements of this Act, he shall certify the same to the State Controller, and the State Controller may appoint three disinterested persons, residents of the county wherein such corporation is formed, who shall certify under oath that it has received and is in actual possession of the premiums or engagements of insurance (as the case may be), to the full extent required in this Act; *provided, however*, the State Controller may make such examination personally or by his deputy. When satisfied that all the provisions of this Act have been fully complied with, it shall be the duty of the State Con-

troller to certify such facts to the officers of the corporation, which certificate, upon being filed by them in the County Clerk's office, in the county in which such company is located, shall be its authority to receive additional members, issue policies and transact any and all business provided for in its articles of incorporation and by-laws.

SEC. 7. The directors of any company organized under this Act shall have power to make such by-laws, not inconsistent with the Constitution and laws of this State, as may be deemed necessary for the government of its officers and members and the conduct of its affairs. To make by-laws.

SEC. 8. It shall be the duty of the President and Secretary of each company organized under this Act, annually on the first day of January, or within one month thereafter, to prepare under oath and deposit with the State Controller a statement of the condition of such company on the 31st day of December then next preceding, exhibiting the following facts, to-wit: To make a statement annually.

First—The number of members on the last day of December of the previous year, the number of members added during the year, the number of members who have withdrawn or whose policies have been cancelled during the year, and the number of members belonging to the company. Members.

Second—The amount of property at risk December 31st of previous year, the amounts of risks added during the year, the number of risks canceled, withdrawn or terminated during the year, and the net amount at risk by the company. Property.

Third—The amount of premium or deposit notes in force, the amount of cash premiums (or assessments) actually on hand, the amount of outstanding assessments not cancelled, the nature and amount of all other resources, and the total amount of resources. Resources.

Fourth—The claims for losses due and payable, the claims for losses not matured, the claims for losses resisted, the nature and amount of all other claims due or accrued, and the total amount of liabilities. Claims for losses payable.

Fifth—The amount of premiums or deposit notes taken during the year, the amount of cash premiums received during the year, the amount collected on assessments which were levied during the year, the amount collected during the year on assessments which were levied in previous years, the amount received from membership or policy fees or from other sources constituting an expense to the insured, the amount received from percentage on increased or decreased insurance, the income from all other sources and the total income. Premiums.

Sixth—The amount paid for losses during the year, stating the amount of same which was for losses for previous years, the amount of salary and fees paid the officers and directors, the amount of all other expenditures during the year and the total expenditures during the year. Losses paid.

SEC. 9. A copy of every sworn statement and report shall in said month of January be filed in the office of the County Clerk of the county where the principal office of the company

To file statement with County Clerk.

is located and another copy thereof shall be published at least twice during said month in a newspaper printed in such county. The officers making such sworn statement or report shall also file with the report herein required to be filed with the State Controller, an additional affidavit showing that such report and statement has been published and a copy thereof filed in the office of the County Clerk as herein provided; and if upon examination of the affairs of the company as hereinafter provided for, it shall appear to the Controller that the losses and expenses of any company incorporated under this Act have, during the year, exceeded the cash premiums and assets collected to such an extent as to imply a doubt in his mind as to the solvency of such company and its ability to pay all its losses and other debts, it shall be his duty to serve a notice upon the officers of such company, requiring them, at the expiration of sixty days from the date of such notice to discontinue issuing policies and proceed to close up its business; unless, within that time, the directors of such company shall collect assessments and pay such losses and debts.

Responsible for failure to comply with requirements

Sec. 10. If any company shall fail to comply with the requirements of the Controller in said notice or if it shall fail to make its annual report to the Controller at the time and in the manner herein prescribed therefor, or shall issue any policy or make any insurance, or if such report to the Controller shall be imperfect or contain false statements or shall be made as fraudulently to conceal the actual condition or responsibility of the company after the expiration of sixty days or in any manner fail or refuse to comply with the requirements of the Controller in said notice, the directors and officers of such company shall be jointly and severally personally responsible for any losses that may thereafter occur in said company or to any person insured therein or thereby; and the person sustaining such losses may sue for and recover the amount of such losses from such directors and officers, or from any one or more of them.

Controller to furnish blanks.

Sec. 11. It shall be the duty of the Controller on or before the first day of December in each year to furnish all companies organized under this Act with blanks for the purpose of making thereon the statement herein required to be filed which blanks shall be issued by the proper officers in making said statements, which statements shall be full and in accordance with the requirements heretofore set forth, and he may from time to time make such change in the form of such statement as shall seem to him best adapted to elicit from the companies a true exhibit of their condition in respect to the several matters hereinbefore enumerated. In case the officers or directors of any company shall fail, neglect or refuse to perform the duties required of them by law within the time and in the manner prescribed for the performance of such duty, or shall knowingly make or permit any false or imperfect statement to be made in any annual or other report or statement required to be made by them, or by any of them, or by the company to the Controller, or shall do or aid, or assist in doing,

Failure to perform duties, guilty of felony.

anything which any such company is hereby prohibited from doing or shall in any manner violate any of the provisions of this Act, or shall aid in or consent to any violation of the provisions of this Act, then, and in every such case, every director or person so offending shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars nor less than five hundred dollars or by imprisonment in the State Prison not more than one year, or by such fine and imprisonment, in the discretion of the Court; and when such failure, neglect or refusal on the part of the officers of any company is known to the Controller it shall be his duty to notify the District Attorney of the county where such company is located whose duty it shall be to commence legal proceedings against such persons or officers to enforce the penalty hereby imposed.

SEC. 12. Suits at law may be maintained by any corporation formed under this Act against any of its members for any cause relating to the business of such corporation or by any member against such corporation for claims which may have accrued, if payments are withheld more than sixty days after such claims shall have become due. It shall be lawful for any mutual insurance company, organized under this Act, to make assessments upon premium notes, agreements, or the policies issued thereon pro rata according to the amount of such agreements of policies for the payment of the losses and expenses incurred by such company and all such premium notes or assessments shall be a lien upon the property insured to the amount of such notes or assessments, costs, and interest due thereon.

Suits maintained.

SEC. 13. All companies formed under this Act shall be deemed bodies corporate and politic in fact and in name and shall be subject to all the provisions of the Statute in relation to corporations as far as they are applicable.

Bodies corporate.

SEC. 14. Any company formed under this Act shall have power to amend the articles of incorporation at any regular annual meeting held in accordance with the provisions of their articles of incorporation, upon giving notice of their intention to do so and of the time and meeting for that purpose, such notice shall be published three successive times in some newspaper published in the county where such company is organized. Said amendments shall be submitted to the Attorney-General and his certificate of compliance with the law obtained and shall be filed in the office of the Controller and also with the County Clerk of the county in which the office of the company is located, before they shall take effect.

May amend articles of incorporation.

Attorney-General to certify.

SEC. 15. If any insurance company, organized under this Act shall not, within sixty days after the Controller shall have given the notice required by section nine, pay up and discharge all outstanding claims against said company, it shall be the duty of the Controller to file a statement with the Clerk of the District Court of the county where such company has transacted business, reciting the fact that the sixty days within

Controller to file statement.

which such company was required to proceed to close up its business have expired and that there are outstanding claims against such company. A copy of said statement shall be published for three successive weeks in a newspaper in such county.

State Controller to examine into affairs.

Sec. 16. The State Controller, at any time when he deems it advisable, may in person or by Deputy visit and examine into the affairs of any mutual insurance company organized under the provisions of this Act; and it shall be the duty of the officers or agents of any such company to cause their books to be opened for inspection and otherwise to facilitate such examination so far as it may be in their power to do so, and for that purpose the Controller shall have power to examine under oath the officers and agents of any company relative to the standing and condition of said company. All necessary expenses of such examination shall be paid by the company so examined.

Appointment of Receiver.

Sec. 17. At any time after the publication required by section fifteen of this Act, the Controller may appear in Court in person or by counsel and move for the appointment of a receiver for said company; and the said company may also be heard, and upon such hearing the report of such company filed in the office of the Controller shall be conclusive evidence of the facts therein stated and of the liability of such company, unless such company shall show that they have since paid and discharged the liabilities; and if upon the hearing thereof it shall appear to such Court that the statements of the Controller are materially true, the said Court shall appoint a receiver for said company who is hereby empowered to take possession of all books and papers and personal property of said company, and shall ascertain the amount due from said company or property insured, and shall at once proceed to assess upon all the members and persons insured in said company such sums of money as will in the aggregate be sufficient to pay all the losses and liabilities of said company, together with the services and expenses of such receiver according to and in proportion to the amount of their insurance or interest in such company; and upon payment of such assessment the said members shall be discharged of and from all former assessments made by such company. It shall be the duty of such receiver to give notice of such assessment by publishing in some newspaper published in the county where the company is located, once a week for three successive weeks a general notice stating therein the aggregate amount assessed in said company; and upon application he shall furnish to any person assessed a statement showing the amount of his assessments. In case any member or person so assessed shall neglect for thirty days after such publication to pay the amount of such assessment to said receiver, the receiver may sue for the same in any Court of competent jurisdiction for the amount so assessed with costs. If the amount realized by such receiver be insufficient to pay the losses and liabilities therein and for the services and expenses aforesaid he shall proceed to make a second assessment and

Duties of Receiver.

such further or other assessments as may be necessary to realize a sum sufficient to pay all the losses and liabilities of such company in the same manner and with like effect as herein provided for making the first assessment and shall sue for and collect the same in the same manner. If after paying the losses and liabilities of such company and the services and expenses aforesaid, there shall remain any funds in the hands of the receiver the same shall be paid to the persons assessed in just and equal proportions to the sums contributed and paid by them.

SEC. 18. Such receiver shall keep an accurate account of all moneys or other property received by him and shall pay over all money by him collected and the proceeds of all personal property *pro rata* upon said liabilities, after deducting therefrom for his service and expenses (if the Court after making such appointment shall deem the amount reasonable). The Court making such appointment may also require such receiver to give a bond with sufficient sureties in such penal sum as the Court shall determine, which said bond shall run to the State of Nevada and be conditioned for the faithful discharge of his duties as such receiver, and be approved by the Judge of such Court, and said Court may from time to time require such receiver to make a report and upon the acceptance of a final report showing a full and faithful performance of such trust may discharge such receiver and his bondsmen from further liability. If any receiver shall be in charge of the business of any company on the last day of December of any year, it shall be his duty, during the month of January following to make a full report to the Controller, showing the condition of affairs of such receivership on the thirty-first day of December preceding.

Duties of
Receiver.

SEC. 19. Every mutual fire insurance company organized under the provisions of this Act, shall be for the sole purpose of mutually insuring the property of the members thereof and for the purpose of paying any loss incurred by any members thereof by assessment as provided by the Constitution and by-laws of such company; and all such companies are hereby exempt from the provisions of the insurance laws of this State, governing foreign corporations and corporations not organized on the mutual plan, and nothing herein shall be so construed as to impair or in any manner interfere with any of the rights and privileges of such companies doing insurance business in this State or to relieve them of any duties and responsibilities now imposed on such companies by law.

Purpose of
formation.

SEC. 20. All Acts and parts of Acts in so far as they conflict with the provisions of this Act are hereby repealed.

CHAP. XXXVIII.—*An Act to amend section 379 of an Act entitled "An Act to regulate proceedings in civil cases in the courts of justice of this State and repeal all other Acts in relation thereto," approved March 8th, 1869, as amended and approved February 20th, 1881.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section three hundred and seventy-nine of said Act is hereby amended so as to read as follows:

Who shall
testify.

Section 379. No person shall be allowed to testify under the provisions of sections three hundred and seventy-six and three hundred and seventy-seven, when the other party to the transaction is dead, or when the opposite party to the action, or the person for whose immediate benefit the action or proceeding is prosecuted or defended, is the representative of a deceased person, when the facts to be proven transpired before the death of such deceased person; *provided*, that when such deceased person was represented in the transaction in question by any agent who is living, and who testifies as a witness in favor of the representative of such deceased person, in such case the other party may also testify in relation to such transaction, and nothing contained in this Act shall affect the laws in relation to attestation of any instrument required to be attested; and *provided further*, that when husband or wife is insane and has been so declared by a commission of lunacy, or in due form of law, the other shall be a competent witness to testify as to any fact which transpired before or during such insanity, but the privilege of so testifying shall cease on the restoration to soundness of the insane husband or wife, unless upon the consent of both, in which case they shall be competent witnesses.

Competent
witness.

CHAP. XXXIX.—*An Act providing for the appointment of Notaries Public, fixing their terms of office and specifying the numbers to be appointed.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Notaries
Public.

SECTION 1. The Governor is hereby authorized to appoint and commission Notaries Public in and for the several counties in this State, in the numbers which may be fixed by law.

SEC. 2. For Storey county there may be twelve Notaries Public.

SEC. 3. For Lander county there may be sixteen Notaries Public.

SEC. 4. For Nye county there may be sixteen Notaries Appointment of Notaries Public.
Public.

SEC. 5. For Churchill county there may be four Notaries
Public.

SEC. 6. For Esmeralda county there may be thirty Notaries
Public.

SEC. 7. For Washoe county there may be sixteen Notaries
Public.

SEC. 8. For Ormsby county there may be eight Notaries
Public.

SEC. 9. For Humboldt county there may be sixteen Notaries
Public.

SEC. 10. For Douglas county there may be five Notaries
Public.

SEC. 11. For Lyon county there may be eight Notaries
Public.

SEC. 12. For Eureka county there may be fifteen Notaries
Public.

SEC. 13. For Elko county there may be fifteen Notaries
Public.

SEC. 14. For White Pine county there may be ten Notaries
Public.

SEC. 15. For Lincoln county there may be sixteen Notaries
Public.

SEC. 16. For any new county hereafter created or organized there may be six Notaries Public until such time as by law New counties. another number shall be specified.

SEC. 17. The term of office of a Notary Public shall be four years; *provided*, the Governor may at any time, for cause, Term of office. revoke the commission of a Notary Public.

SEC. 18. Section one of an Act entitled "An Act to provide for the appointment of Notaries Public, and defining their duties," approved February 9, 1864, and all Acts and parts of Repealing Act. Acts amendatory of said section, are hereby repealed in so far as they may conflict with the provisions of this Act.

CHAP. XL.—*An Act fixing the salary of the Curator of the State Museum.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The salary of the Curator of the State Museum is hereby fixed at fourteen hundred (\$1,400) dollars per annum Salary of Curator of Museum. for the years eighteen hundred and ninety-seven (1897) and eighteen hundred and ninety-eight (1898).

CHAP. XLI.—*An Act to create a fund in the State Treasury of the State of Nevada to be known as the Fire Insurance Fund, and other matters pertaining thereto.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Fire Insurance Fund.

SECTION 1. There is hereby created in the State Treasury of the State of Nevada, a fund to be known as the Fire Insurance Fund, in which said fund all moneys received from insurance companies in payment of losses incurred upon buildings or other property belonging to the State, shall be placed.

Disposal of money in fund.

SEC. 2. Whenever any building or other property of the State, upon which there is any insurance, shall be injured or destroyed by fire, the insurance, if any, which shall be collected on account of such injury or destruction shall be paid into the Fire Insurance Fund created by section one of this Act, and may thereafter be paid out and expended by the Board, Commission, or officer of the State of Nevada, having control or management of the building, or other property injured or destroyed, in repairing or replacing the same, in the manner following: The Board, Commission, or officer having in charge the care and supervision of the property destroyed or injured by fire, may repair, replace or supply the same from the Fund created by section one of this Act, *provided*, that no greater sum shall be drawn from said fund by any Board of Commissioners, Board of Directors or Board of Regents, than the actual amount paid into the fund on the property or premises about to be repaired, replaced or supplied.

How paid.

SEC. 3. All claims and demands created under the provisions of this Act, shall be audited and paid as other claims against the State.

CHAP. LXII.—*An Act requiring the County Assessor of Eureka county to pay his own deputy.*

[Approved March 6, 1896.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Responsible for and to pay deputy.

SECTION 1. From and after the passage of this Act the County Assessor of Eureka county shall pay his own deputy and be responsible for his official acts, and no claim for any pay or compensation whatever, for the services of such deputy shall be allowed by the Board of County Commissioners, or Auditor, or be paid by the County Treasurer of said county.

SEC. 2. All Acts or parts of Acts in conflict with the provisions of this Act, are hereby repealed.

CHAP. XLIII.—*An Act fixing the salaries of certain county officers in Eureka county, and other matters relating thereto.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. On and after the first Monday in January, 1899, the following named officers of Eureka county, State of Nevada, shall receive in twelve equal monthly installments the following salaries, viz.: The Assessor of said county shall receive the sum of fifteen hundred dollars per annum; the District Attorney shall receive nine hundred dollars per annum, and such fees as are now allowed by law.

Officers' salary Eureka county.

SEC. 2. The salaries named in this Act shall be the only salary or compensation that shall be allowed by the Board of County Commissioners or County Auditor, or paid by the County Treasurer of said county, for any and all services and ex officio services of every kind and character rendered by said officers.

CHAP. XLIV.—*An Act to provide for repairs to, and purchasing material for the State Printing Office.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of three thousand five hundred dollars is hereby appropriated, out of any money in the General Fund, not otherwise appropriated, for the payment of expenses incurred for repairing the State Printing Office and for the purchase of type, paper, stock and other material for such office.

Appropriation for repairs and material.

SEC. 2. All claims and demands, under the provisions of this Act, shall be audited and paid in the same manner as other claims against the State.

Claims, how paid.

CHAP. XLV.—*An Act to make provision for the payment of certain indebtedness now existing or which may hereafter accrue against Lincoln county.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. From and after the passage of this Act it shall not be lawful for the Auditor of Lincoln county to draw any warrant for the payment of any certificate of indebtedness now outstanding against the General Fund of said county, or which

Outstanding indebtedness, how paid.

may be drawn on said fund, hereafter, until said fund shall have been placed upon a cash basis, except in the manner following: *provided, however*, that this Act shall not apply to the payment of any certificate of indebtedness issued against said General Fund prior to the first day of April one thousand eight hundred and seventy-five, but that all such certificates shall be paid from the Redemption Fund of said county as provided in an Act of the Legislature of the State of Nevada entitled "An Act to provide for the payment of the floating indebtedness of Lincoln county, Nevada," approved March 4, 1875.

Treasurer to
give notice
for surrender
of certificates

SEC. 2. Whenever at any time after the passage of this Act there shall be in the General Fund of said Lincoln county the sum of five hundred dollars or more, it shall be the duty of the Treasurer of said County to give twenty days' notice, by publication in some newspaper of general circulation in said county, also by posting at the Court House door of said county, a notice that sealed proposals directed to him will be received for the surrender of certificates of indebtedness against the General Fund of said county, and that said proposals will be received by him until the next regular meeting of the Board of County Commissioners thereafter.

Duties of
Board of
County Com-
missioners.

SEC. 3. On the first day of such regular meeting of said Board of County Commissioners they, together with the Treasurer and County Auditor, shall attend at the office of the latter and then and there open all sealed proposals then received, and accept the lowest bid or bids for the surrender of said certificates of indebtedness as specified in the preceding section; *provided*, that no bid for more than par value shall be accepted by them, nor any bid unless accompanied by the certificate or certificates proposed to be surrendered; *and provided further*, that said Board shall, if it shall deem it for the best interest of said county, reject all bids, and order the Treasurer to readvertise. Said Board shall, on opening and accepting bids, apply all the funds so advertised in said General Fund to redemption of certificates so offered, if there be accepted bids sufficient to cover the amount.

Purchase of
certificates.

SEC. 4. When any bid or bids are accepted, the County Auditor and County Treasurer shall each take a description of the certificate or certificates to be redeemed, specifying the amount to be paid for each certificate so surrendered, the date, number and amount thereof, and make a record thereof in the respective offices; and thereupon the Board of County Commissioners shall, by order entered on their minutes, direct the County Auditor to purchase the certificate or certificates designated in the accepted bid or bids, and pay therefor out of said General Fund; and all certificates so redeemed shall be cancelled by the County Auditor, who shall write across the face thereof, in red ink, "purchased and redeemed," adding thereto the time when, and the amount paid therefor, and signing the same officially. The order of the Board of County Commissioners aforesaid, together with the record made by the County Auditor as herein required, shall be sufficient

vouchers for the County Treasurer in the settlement of his accounts. The bids specified in this Act being equal, each shall be accepted and paid pro rata on the oldest certificates thereof as nearly as possible. That shall be deemed the lowest bid which offers the largest value of certificates for the smallest sum of money. The bids and amounts of certificates being equal, each shall be accepted and paid pro rata as nearly as possible. The County Treasurer shall return all unaccepted bids, with the certificates therein contained, to the owners on demand. The County Auditor shall keep a record of all moneys paid out under the provisions of this Act, and, when and to whom paid; he shall, also, on the register of General Fund certificates kept by him, write opposite each certificate redeemed under the provisions of this Act the word "purchased," when, and the amount paid therefor.

Purchase of
certificates.

SEC. 5. All certificates of indebtedness against the General Fund of said county now outstanding, except as provided in section one of this Act, and all hereafter issued, until said General Fund shall have reached a cash basis, shall be paid in the manner herein provided; and as soon as said General Fund shall have reached a cash basis this Act shall cease to operate and be obsolete.

When Act
shall be
obsolete.

SEC. 6. All officers of said county who shall render any services, official or otherwise, under the provisions of this Act, shall do so free, of charge or fee.

SEC. 7. No part of this Act, or any of the provisions therein contained, shall be construed or held in any manner to effect the compensation of any officer of Lincoln county now paid or hereafter to be paid, by salary or by fees and salary.

SEC. 8. All Acts and parts of Acts in so far as they conflict with this Act are hereby repealed.

SEC. 9. This Act shall be in force and effect from and after the first day of April A. D. 1897.

CHAP. XLVI.—*An Act ceding the jurisdiction of the State of Nevada over certain lands to be acquired by the United States for the use and benefit of the Indian School, situated in Ormsby county, Nevada.*

[Approved March 6, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The jurisdiction of the State of Nevada is hereby ceded to the United States of America over the following lots, pieces and parcels of land, situate, lying and being in Douglas county, State of Nevada, and bounded and particularly described as follows, to wit: The east half of lot two (2) of the northwest quarter of Section five (5) in Township fourteen (14) north, Range twenty (20) east, Mount Diablo Base and

Jurisdiction
ceded.

Description of lands. Meridian, containing thirty-eight and sixty-six one-hundredths (38 66-100) acres. Said land to be used and occupied by the United States of America for the use and benefit of the Indian School now situate in Ormsby county, Nevada, and adjoining the land over which jurisdiction is hereby ceded.

Jurisdiction retained. SEC. 2. Jurisdiction over said land is hereby retained by the State of Nevada for the purpose of the service of all criminal and civil writs and process thereon and therein.

SEC. 3. This Act shall remain in full force and effect as long as the United States of America shall use and occupy said land for the uses and purposes stated herein.

CHAP. XLVII.—*An Act to provide for the purchase of a portrait of ex-Governor John E. Jones, and to appropriate money therefor.*

[Approved March 8, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Portrait of ex-Governor J. E. Jones.

SECTION 1. The sum of five hundred dollars is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, for the purchase of a framed portrait of the late Governor John E. Jones, the same to be painted in oil colors, artistically after the style and manner of the other portraits of ex-Governors now in the Governor's office, and to be uniform in size therewith.

State Board of Examiners authorized.

SEC. 2. It shall be the duty of the State Board of Examiners, after consulting the wishes of Mrs. Elizabeth E. Jones, widow of the late Governor, John E. Jones, in the matter, to make a contract with some good artist for the best work that can be procured for a price not to exceed five hundred dollars, including frame, to be delivered at the Governor's office in Carson City, and after its acceptance by said Board of Examiners, the State Controller is hereby directed to draw his warrant in favor of the person named, for the sum agreed upon, and the State Treasurer is hereby directed to pay the same.

CHAP. XLVIII.—*An Act to incorporate the town of Reno.*

[Approved March 8, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Incorporation of the City of Reno.

SECTION 1. On and after the second Monday in April, A. D. eighteen hundred and ninety-seven, and for the purposes hereinafter mentioned, the inhabitants of that portion of Washoe county, State of Nevada, embraced within the limits hereinafter set forth, shall be a body politic and corporate, by the name and style of City of Reno, and by that name they

and their successors shall be known in law, have perpetual succession, and sue and be sued in all courts. The boundaries of said City of Reno shall include all the inhabitants, lands and tenements included in the southwest quarter of section one and the south half of section two, and all of section eleven and the west half of section twelve, and the northwest quarter of section thirteen, and the north half of section fourteen, the whole comprising an area or parallelogram one and one-half miles wide, measuring the area from east to west, and two miles in length measuring the same from north to south, all in township nineteen north, range nineteen east, Mount Diablo base and meridian, comprising the territory heretofore known as the town of Reno. Boundaries.

SEC. 2. The City of Reno shall be divided into five wards as follows: All that portion of the territory embraced within said limits of the City of Reno and lying south of the Truckee river, shall be and hereby is established as the First Ward; First Ward. *provided*, that all that part of "Scott Island" lying within the limits of the city, shall also be a part of the First Ward. All that portion lying and being situate west of Sierra street and between the Truckee river on the south and the main track of the Central Pacific Railway on the north, shall be and is hereby established as the Second Ward; Second Ward *provided*, that the island in the Truckee river above Virginia-street iron bridge, shall be a part of and belong to said Second Ward. All that portion lying and being situate east of Sierra street and between the Truckee river and the main track of the Central Pacific Railway, shall be and hereby is established as the Third Ward. Third Ward. All that portion lying east of Sierra street and north of the main track of the Central Pacific Railway, shall be and hereby is established as the Fourth Ward; Fourth Ward and that portion lying west of Sierra street and north of the main track of the Central Pacific Railway, shall be and hereby is established as the Fifth Ward. Fifth Ward.

SEC. 3. The corporate powers of the city, shall be vested in a City Council to consist of five members who shall be actual residents and owners of real estate in the city and who shall be chosen by the qualified electors thereof; *provided*, that no two or more of said five Councilmen shall be residents of the same ward. The City Council.

SEC. 4. The City Council, until the first Monday in January, 1899, shall consist of the following persons, who, after duly qualifying, shall serve until the first Monday in January, 1899, and until their successors are elected and qualified, to wit: Names of City Council.

For the First Ward—Richard Ryland.

For the Second Ward—Henry Ruhe.

For the Third Ward—W. H. Noyes.

For the Fourth Ward—S. O. Wells.

For the Fifth Ward—R. S. Osburn.

The Board so constituted shall at its first meeting proceed to elect one of its number Chairman, who shall be President of the City Council. Said Council shall enter upon its duties on the first Monday in April, eighteen hundred and ninety-seven. Shall elect President.

Providing
for election of
City Council.

Vacancy.

Election law
shall apply.

Office, when
vacant.

City Treas-
urer.

City Assessor

City Attor-
ney.

City Marshal.

Police Judge.

City Clerk.

SEC. 5. At the general election in November, 1898, and at each general election thereafter, there shall be elected one Councilman in each ward, who shall be a resident of such ward, and an owner of real estate in the city, who shall hold office for the term of two years and until their several successors are elected and qualified. Whenever any vacancy shall occur, it shall be the duty of the remaining members, or a majority of them, to fill such vacancy by appointment of a qualified person from the proper ward, and the Councilman so appointed shall hold office, until the next general election. All officers elected under the provisions of this Act, shall enter upon the duties of their several offices on the first Monday in January succeeding their election.

SEC. 6. All provisions of law which now are, or hereafter may be, in force regulating elections, as far as the same may be consistent with the provisions of this Act, shall apply to the election of Councilman. The election of any person to the office of Councilman, may be contested in the manner as provided by statute concerning general election.

SEC. 7. Each Councilman chosen at any general election held under the provisions of this Act shall qualify on or before the first Monday in January succeeding his election, and any Councilman appointed to fill a vacancy shall qualify within five days after due notice of his appointment, and in the event of failure to so qualify the office shall be declared vacant and be filled as provided for in this Act.

SEC. 8. The Treasurer of Washoe county shall, in addition to the duties now imposed upon him, act as the Treasurer of the city, and shall be ex officio City Treasurer and Tax Receiver.

SEC. 9. The Assessor of Washoe county shall, in addition to the duties now imposed upon him by law, act as the Assessor of the city and be ex officio City Assessor.

SEC. 10. The District Attorney of Washoe county shall, in addition to the duties now imposed upon him by law, act as the attorney of the city and shall be ex officio City Attorney.

SEC. 11. The Constable of Reno Township shall, in addition to the duties now imposed upon him by law, act as the Marshal of the city and shall be ex officio City Marshal.

SEC. 12. The Justice of the Peace of Reno Township, Washoe county, shall, in addition to the duties now imposed upon him by law, be ex officio Police Judge of the City of Reno, and shall have the same jurisdiction and powers in said city as are given Justices of the Peace in their respective townships; *provided*, that the trial and proceedings in all cases, wherein any person or persons are charged with violating any ordinance or provision of an ordinance of the City of Reno of a police nature, shall be summary in character, and by the Police Judge of Reno, without a jury.

SEC. 13. The County Clerk of Washoe county shall, in addition to the duties now imposed upon him by law, act as Clerk of the City Council, and shall be ex officio City Clerk.

SEC. 14. The President of the City Council, shall preside

at its meetings, and shall perform such other duties as the Council may prescribe. In any case where a vacancy occurs in the office of the Councilmen who is President, the remaining members shall proceed as soon as practicable, to fill such vacancy by the appointment of a suitable person from the proper ward, and when all vacancies shall have been filled, the Councilmen shall elect one of their number, who shall be the President of the Council until the next general election. At any meeting of the Council, in the absence of the President, the other Councilmen shall designate one of their number, who shall be President pro tem. of the Council.

Duties of President.

SEC. 15. The City Council shall hold regular meetings on the second and fourth Mondays in each month, and shall continue in session from day to day until the unfinished business of each regular meeting has been disposed of. Special meetings may also be held upon a call of the President of the Council or a majority of the members thereof; *provided*, that no contract shall be made, obligation incurred or claim allowed at any special meeting.

Time of meeting.

SEC. 16. That all laws and ordinances not inconsistent with the provisions of this Act, now in force in the town of Reno, shall be and remain in full force and effect in said City of Reno until otherwise provided, and are hereby adopted and made the laws and ordinances of the City of Reno.

Laws and ordinances.

SEC. 17. The City Council shall have power:

First—To institute and maintain any suit or suits of the city, in the proper Courts, whenever necessary, in their judgment, to enforce or maintain any right of the city, and they may in like manner, at their sound discretion, defend all actions against the city.

Power of City Council.

Second—They shall annually levy a tax of not less than one-quarter of one per cent nor exceeding one per cent, upon the assessed value of all real or personal property in the city and made taxable by law for State and county purposes.

Tax levy.

Third—To lay out, extend and alter the streets and alleys in the city and provide for the grading, draining, cleaning, widening, lighting or otherwise improving the same; also to provide for the improvement and preservation of the city parks; for the construction, repair and preservation of sidewalks, bridges, drains and sewers; and for the prevention and removal of obstructions from the streets and sidewalks of the city; *provided*, that said Council may, in its discretion, assess the cost or a portion thereof, of improving any street or building or repairing a sidewalk, to the owner of the property in front of which said street or sidewalk, or proposed sidewalk may be, and make such costs of improvement, repair or building, a lien upon such property.

City improvements.

Fourth—To condemn property for the use of the inhabitants of the city in the manner provided by law.

Condemn property.

Fifth—To provide for the prevention and extinguishment of fires, and to organize, regulate, establish and disband fire or hose companies in the city.

Fire protection.

Sixth—To regulate or prohibit the storage of gunpowder

Explosives.

- and other explosives or combustible materials within the city.
- Nuisances.** Seventh—To determine what shall be deemed nuisances and provide for the punishment, prevention and removal of the same.
- Board of Health.** Eighth—To provide for safeguarding the health of the city. For this purpose they may appoint a City Board of Health and shall prescribe its powers and duties.
- Licenses.** Ninth—To fix and regulate a license upon and regulate all theaters, theatrical performances, circuses, shows, billiard tables, bowling alleys and all exhibitions and amusements, and regulate and collect a license tax upon and regulate all taverns, hotels, restaurants, eating-houses, boarding-houses, lodging-houses, bankers, brokers, manufactories, livery stables, express companies, railroad and stage companies; to license, tax and regulate auctioneers and stock-brokers; to license and regulate all hawkers and peddlers (except those dealing in the agricultural products of this State), pawnshops, refreshment and coffee stands, booths and sheds; to license, regulate, prohibit or prescribe the location of saloons or bar-rooms, houses of ill fame, gaming houses, hurdy-gurdy houses or dance houses; to levy and collect an annual per capita tax on all dogs and to provide for the destruction of all dogs upon which said tax shall not be paid, and to prevent all other animals from running at large in said city.
- Terms of licenses.** Tenth—To provide for the issuance of all licenses in this Act specified or permitted to be issued, and to fix the amount thereof and the times for which and the terms upon which, the same shall be issued.
- Conduct.** Eleventh—To punish, restrain and prevent any disorderly conduct within the city.
- Sale of property.** Twelfth—To hold, manage, use and dispose of all real and personal property of the city, and to enforce the payment and collection of all dues and demands belonging or inuring to the city; but no sales of property shall be made until after it shall have been appraised by three appraisers, taxpayers of the city, at the actual market value, nor shall it be sold for less than seventy-five per cent of such appraised value.
- Penalties.** Thirteenth—To fix the punishment for the breach of any ordinance adopted by said Council to be enforced herein; but no fine shall be imposed for any offense in a sum greater than five hundred dollars, nor shall any term of imprisonment exceed six months; but in case of imprisonment, any person committed for punishment after conviction, may be made to work, during the term of such imprisonment, on any public works of the city, and the City Marshal may use any lawful means to prevent the escape of such prisoners while at work or while going to or returning from such labor.
- Ordinances, resolutions, rules, etc.** Fourteenth—To adopt and pass all ordinances, resolutions, rules and orders, and to do and perform all other acts and things necessary for the execution of the powers and jurisdiction conferred by this Act, and to audit and allow all claims properly payable out of the treasury of the city; *provided*, that said Council shall not have power to audit or allow any claim

whatsoever unless there be sufficient funds in the treasury to pay the same at the time of such allowance. Any property, real or personal for the public use of the city, may be condemned and appropriated in the manner now prescribed by law.

Fifteenth—To appoint a policeman or such number of policemen as they shall from time to time determine, who shall be under the direction of the City Marshal. Policemen.

SEC. 18. The City Council shall annually, at the time prescribed by law for levying taxes for State and county purposes, levy a tax, as hereinbefore prescribed, upon all real and personal property situate in the city and made assessable by law for State and county purposes; and the tax so levied shall be collected at the same time and in the same manner and by the same officers, exercising the same functions (acting ex officio as city officers) as prescribed and provided in the revenue laws of the State for the collection of State and county taxes; and the revenue laws of this State shall, in every respect not inconsistent with the provisions of this Act, be deemed applicable, and so held, to the levying, assessing and collecting of the city taxes; *provided*, that in the matter of equalization of assessments upon property, the rights of the city shall be concluded in the manner and to the same extent as is the State and county by the action of the County Board of Equalization. And whenever or wherever practical and expedient, all forms and blanks in use in the levying, assessing and collecting of State and county revenue, shall, with such alterations or additions as may be necessary, be used in the levying, assessing and collecting of the revenue of the city. And the City Council shall enact all such ordinances as shall be found necessary and not inconsistent with this Act and the laws of the State for the prompt, convenient and economical collection of the city revenues. Levy taxes.

SEC. 19. All taxes, fines, forfeitures or other moneys collected or recovered by any officer or person under or by virtue of the provisions of this Act, or of any valid ordinances of the city, shall be paid by the officer or person collecting or receiving the same, to the City Treasurer who shall keep an accurate account thereof and give itemized receipts therefor, in duplicate; one of which shall be given by him immediately to the City Clerk for the more perfect keeping of his accounts and for the information and guidance of the City Council; and the other shall be given to the officer or person so paying in such money. All such money shall be placed by the City Treasurer in a fund to be known as the Reno General Fund; and shall be so kept except as paid out upon proper warrants; *provided*, the City Council may, at their sound discretion set apart any surplus moneys in said fund, to be kept by said Treasurer in a fund which shall be known as the Reno Redemption Fund, which shall be used to pay principal and interest on any outstanding bonds or on any bonds that may be issued under the provisions of this Act; *provided further*, that the amount of moneys so ordered to be transferred, shall in no instance exceed Moneys to be paid City Treasurer.

one-half of the moneys in the Reno General Fund at the date of such transfer, unless an existing statute otherwise provides.

Fees, salaries
and compen-
sation.

Sec. 20. The fees, salaries or other compensation of the officers hereinbefore provided for, shall be regulated by regularly enacted ordinances; *provided*, that the Councilmen shall receive no compensation whatever for their services. All claims for fees, salaries, or expenses necessarily or properly incurred in carrying on the legitimate purposes and duties of the city government, as provided in this Act, shall be presented to the City Council, who shall consider and allow or reject the same, in the order as presented to the Clerk of the Board, and the record of this action shall be entered upon their journal. Upon allowance in whole or in part, of any claim, by the majority of the Council, the City Clerk shall draw a warrant upon the City Treasurer for the amount so allowed, and shall state in the same, in general terms, the nature of the claim, and the City Treasurer shall pay the same. On paying any warrant, the City Treasurer shall write or stamp across the face thereof, in red ink "redeemed" with the date of such redemption and sign his name officially thereto, and the warrant so canceled shall be sufficient voucher for the Treasurer as to the amount so paid, in his official settlement with the City Council, which shall take place annually on the third Monday in December of each year. The President of the City Council or some member thereof appointed by the President, shall, once in every three months, examine the books and vouchers of the City Treasurer, concerning the state of the finances in his hands, and report the result to the Council, which shall be spread in full upon the journal.

Rejected
claims.

Sec. 21. The holder of any claim or demand mentioned as above, which has been rejected in whole or in part, may, within six months after such rejection, commence an action in any court of competent jurisdiction of the county of Washoe, for the amount of the claim or the portion rejected, as the case may be. The action shall be against the city, and the service of summons shall be made upon the President of the Council. In case of a final recovery of judgment by the plaintiff, the City Council shall allow the amount thereof, which shall be paid in the order of such allowance.

Official
bonds.

Sec. 22. All officers of the city, as provided in this Act, except the Councilmen, shall be accountable and liable upon their official bonds as officers of the County of Washoe; but it shall nevertheless, be the duty of the Council to provide for the accountability of all officers and employees constituted by or appointed under the provisions of this Act, by requiring of them sufficient security, or additional security, as may be necessary or proper for the faithful and honest performance of their respective duties. In case any such officer or employee shall neglect or refuse to give the required security or shall neglect or refuse to perform the duties imposed upon him by virtue of the provisions of this Act, the City Council may declare such office vacant and proceed to appoint some other person to such office or employment as the case may be. The

duties of all persons appointed to office or employment, by the City Council under the provisions of this Act, shall be defined by ordinance, when necessary, and any person so appointed shall serve at the discretion of the Council.

SEC. 23. Real and personal property levied upon for taxes due the city, if sold by virtue of any judgment for taxes, shall be sold by the officer holding the execution upon the judgment which includes the city taxes. Sale of property for taxes.

SEC. 24. The City Council shall provide for a corporate seal which shall be kept by the City Clerk, who shall also keep all books and shall file and keep all papers belonging to the city, under their proper heads; attend all meetings of the City Council and keep an accurate journal of their proceedings, including a record of all ordinances, by-laws and resolutions passed or adopted by them, which journal after approval at each meeting, shall be signed by the President of the Council and attested under the hand of the Clerk. He shall sign all warrants issued, and affix the corporate seal thereto. He shall number and countersign all licenses and likewise affix the seal thereto. All licenses shall be printed in form, showing on their face the class of license, with marginal stubs attached, and stitched together in books, each book containing an equal number of one class only. All licenses issued shall be signed by the President of the Council. The City Clerk shall be the custodian of the blank licenses, and shall deliver them from time to time, in such numbers as the Council shall direct, to the City Marshal, who shall collect the same, charging the City Marshal therewith, at their face or representative value, and giving him credit at the same rate for as many thereof only as he shall return to the City Clerk at the time of settlement of his account. The City Clerk shall also keep an accurate account of all warrants and orders drawn upon the City Treasurer, in such manner that the Council can at any time ascertain the actual outstanding indebtedness, and shall perform such other duties as may be required by the City Council. Upon the passage of ordinances, or of any resolution appropriating money, abolishing licenses, or increasing or decreasing the rate of licenses, the yeas and nays shall be called, and the Clerk shall enter the same, and the vote of each member of the Council, on the journal. Seal.
Duties of City Clerk.

SEC. 25. The style of all ordinances shall be "The City Council of the City of Reno, do ordain," and all proposed ordinances when first proposed at any regular meeting, shall be read aloud to the members of the Council, and then laid over until the next regular meeting, for adoption or rejection. All ordinances shall be published one week prior to going into effect. Ordinances.

SEC. 26. All county officers acting ex officio as officers of the city, may act as city officers through their regularly appointed deputies when authorized by law to appoint such deputies. The Council may provide by ordinance for one or more deputies for the City Clerk. Deputies may act.

Duties of City Marshal. SEC. 27. The City Marshal, in addition to the general duties of his office, shall execute all processes issuing from the Police Court, act with full powers as a policeman and as Chief of the Police Force appointed for the city as such, and shall collect all city licenses. In his absence, the Deputy Constable shall act as City Marshal.

Civil actions. SEC. 28. Civil actions may be brought by the city in any court of competent jurisdiction, and actions for violations of any ordinance of the city, may be brought before the Police Judge, and fines imposed by the Police Judge may be recovered by execution against the property of the defendant, or the payment thereof may be enforced by imprisonment in the County Jail of Washoe, which shall serve as the City Jail, at the rate not exceeding one day for every two dollars of such fine and costs; or said Police Judge may, at his discretion, adjudge and enter upon his docket an order that such offender shall work on the streets or public works, at the rate of two dollars for each day, which shall apply on such fine and costs until the same be so exhausted or otherwise satisfied. Appeal may be taken from such judgments as in cases of appeal from Justices' Courts in criminal cases.

Vacancies. SEC. 29. If any officer shall remove his office from the city or absent himself therefrom, more than thirty days without leave of the City Council, his office shall be declared vacant, and the vacancy filled by appointment as provided in this Act.

Policemen. SEC. 30. The City Marshal shall not be answerable upon his official bond, for the conduct of policemen appointed under the provisions of this Act, but the Council may require of such appointees such bonds as shall be by them determined upon as proper. The powers and duties of the City Marshal may be more fully defined by such ordinances as shall not be inconsistent with this Act.

City debts. SEC. 31. No debt shall be created directly or indirectly against the city, beyond the amount of current revenues of the city; nor shall any contract for supplies of water, gas, electric light or any other supplies for the city, or any other contract whatever, made by or on behalf of the city, be of any validity for any period exceeding one year, except as otherwise provided in this Act.

Contracts. SEC. 32. No officer of the city government herein provided for, shall be interested directly or indirectly in any contract with the city, or with any of the officers thereof, in their official capacity, or in doing any work, or furnishing any supplies for the use of such city or its officers in their official capacity; and any claim for compensation for work done, or supplies or materials furnished, in which any such officer is interested, shall be void, and if audited and allowed, shall not be paid by the Treasurer. Any willful violation of the provisions of this section, shall be a ground for removal from office, and shall be deemed a misdemeanor and punished as such.

Water. SEC. 33. The City Council shall have the right and power, by ordinance, to appropriate from time to time, as much of the water from any spring or stream flowing in or into the city, or

which may be near or adjacent to the city, as it may deem necessary for the present or future use of the city and inhabitants; and any ordinance which may have already been enacted by competent authority for the town of Reno, or which the City Council may hereafter enact, appropriating the water of any such spring or stream, shall, from the date thereof, be deemed and taken to be an appropriation of such water, and said City Council may prohibit any person from using or appropriating such water without permission from the proper city authorities, *provided*, that this section shall not authorize said Council to appropriate any water previously appropriated by any person, nor to interfere with any vested rights then existing in such water.

SEC. 34. The City Council shall have the right and authority to borrow money in a sum not to exceed one hundred and fifty thousand dollars as a direct loan to the city, or to issue bonds of the city, for that amount, payable within twenty years, at such time and place, and bearing such rate of interest, not exceeding six per cent per annum, payable semi-annually or yearly, as may be deemed expedient; and they may provide that such bonds or indebtedness shall not be liable to taxation by the city, *provided* that the money so borrowed, or the proceeds of such bonds, shall be expended for the procuring of water and the erection of water works for the city, within or without the corporation, after due notice has been given in the manner provided by law for notice of general election in said city, which notice shall state the objects and amount of the proposed loan or issue of bonds, the rate of interest and the time and place of payment of the debt or bonds, and the electors shall vote "yes" or "no" on each proposition. If a majority of the votes cast of the duly qualified electors residing within the corporate limits of the City of Reno, as shown by the last preceding official registration, are in the affirmative, the City Council may borrow the money, or issue the proposed bonds, in such denominations or sums as they may deem proper and sell the same; but said bonds shall not be sold for less than par value, nor shall they or any debt created pursuant to the provisions of this Act, bear a greater rate of interest than six per cent per annum, payable annually or semi-annually. The City Council shall provide for the payment of the interest on said bonds as the same shall become due, and for a sinking fund for the payment of the principal of said bonds within twenty years after contracting the same. The City Council shall have power to provide by ordinance, for the distribution of water to the inhabitants of the city, upon such reasonable terms as they shall deem expedient.

SEC. 35. In case due authority is vested in said City Council, in manner as provided in the last foregoing section hereof, to issue bonds for the purpose named, the City Council shall proceed to publish such fact and invite written proposals with plans and specifications to construct such water system for the City of Reno, and the person or corporation offering to provide the best permanent system of water supply for the least number

Right to
borrow
money.

Proposals
for bonds for
water
purposes.

or amount of said bonds, shall be deemed the lowest or best bidder; *provided*, that the Council may reject any and all bids and re-advertise as provided by law in similar cases. The water supply herein referred to, shall be sufficient in volume of pure or wholesome water, to supply a population in said city of 20,000, and the water mains shall be in strength, durability and capacity accordingly; *provided*, that the right of way to establish such system of water works through the streets and alleys or other lands belonging to said city, be granted to any person for the purposes above named, free of charge. Any money derived from the sale of bonds herein provided for, remaining over after paying all claims incident to the construction of the aforesaid water works, shall be turned into the general fund of the city.

Water works
outside of
city limits.

SEC. 36. To construct or authorize the construction of water works without their limits, and for the purpose of maintaining and protecting the same from injury and the water from pollution, their jurisdiction shall extend over the territory occupied by such works, and all reservoirs, streams, canals, ditches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken for ten miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred.

Water
supply.

SEC. 37. To construct, purchase and maintain canals, ditches and reservoirs; and to purchase springs, streams, or sources of water supply for the purpose of providing water for irrigation, domestic or other purposes, and if necessary, to secure said sources of water supply, may purchase the land upon which said water has been appropriated or applied.

For lighting
the city.

SEC. 38. Whenever the City Council may deem it necessary or advisable to establish an electric light plant or gas works for lighting the streets and houses of the city, they shall submit the matter to the voters of the city, in the same manner as provided in section thirty-four of this Act for the submission of the question of city water works; and upon a majority vote of said voters, the City Council shall have authority to borrow the sum of money so voted, on bonds issued on the same conditions and payable in the same manner as those provided for in section thirty-four of this Act, and any excess of money over the actual cost of construction, shall be turned into the general fund of the city, as provided in section thirty-five of this Act.

City Hall.

SEC. 39. Whenever the City Council may deem it necessary or advisable to erect or cause to be erected a City Hall, house for fire purposes, or any other building for city purposes, they shall submit the matter to the voters of the city, in the same manner as provided in section thirty-four of this Act for the submission of the question of city water works, and upon a majority vote of said voters, the City Council shall have authority to borrow the sum of money so voted, on bonds issued on the same conditions, and payable in the same manner as those provided in section thirty-four of this Act, and

any excess of money over the actual cost of construction, shall be turned into the general fund of the city, as provided in section thirty-five of this Act.

SEC. 40. The City Council may, whenever requested by one hundred property taxpayers of the city, submit to the qualified voters of the city, at any general election, the proposition of establishing a free public library; and if a majority of the votes cast shall be in favor thereof, the City Council may proceed to establish such library, making such ordinances for its equipment and regulation as may be necessary; *provided*, that the annual tax for the support of the same, shall not exceed two (2) mills on each dollar of assessed valuation.

Free public library.

Proviso.

SEC. 41. All money now in the possession or under the control of the Treasurer of Washoe county, or which may hereafter come into his possession or under his control, belonging to the town of Reno under the provisions of that certain Act of the Legislature entitled "An Act providing for the government of towns and cities of this State," approved February 26, 1881, and the Acts amendatory thereof, is hereby transferred to the Reno General Fund, and made subject to the provisions of this Act.

CHAP. XLIX.—*An Act to empower the State Board of Education to grant Life Diplomas to residents of the State of Nevada who have received the degree of Bachelor of Arts.*

[Approved March 8, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The State Board of Education shall grant a life diploma to any resident of this State of good moral character and who shall present satisfactory evidence of having taken a course in pedagogics and received the degree of Bachelor of Arts, from any university or college situated within the United States and of reputable standing; *provided*, such person shall have been an actual resident of the State of Nevada for at least five years next preceding his or her having entered the university or college in which the course in pedagogics was taken and from which the degree of Bachelor of Arts was received.

Board of Education to grant life diplomas.

CHAP. L.—*An Act to authorize the formation of corporations for the purpose of transacting business as sureties on all bonds and undertakings required by law, and to prescribe the powers and duties of such incorporations.*

[Approved March 8, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any ten or more persons who are residents and

Power to
incorporate.

householders in the State of Nevada, may, by complying with the provisions of this Act form a company under the general incorporation laws of this State for the purpose of acting as and becoming surety on any bond or undertaking required by the laws of this State.

Submit to
Attorney-
General.

SEC. 2. All certificates of incorporation prepared under the provisions of this Act shall be submitted to the Attorney-General and if found to be in accordance with law in all respects, that officer shall certify that fact, which certificate shall be authority for the Secretary of State to receive and file such articles of incorporation in accordance with the statutes governing the formation of corporations.

File with
Secretary of
State.

Incorpor-
ators must
be residents
of State.

SEC. 3. Each and every person before becoming an officer or stockholder in any company organized under this Act shall justify before an officer authorized to administer oaths that he is a resident and freeholder or householder within this State and that he is worth double the par value of stock subscribed by him in said company, over and above all his debts and liabilities, in property situated within this State and which is not exempt from sale on execution. If at any time thereafter the assets of any such stockholder shall from any cause be reduced to such an extent as to render him unable to justify as above, it shall be his duty to surrender stock in said company in proportion to such reduction in his assets. If at any time any taxpayer in the State shall make complaint under oath to the District Attorney of the county wherein such stockholder resides, that the provisions of this section are being neglected, not complied with, or violated, by any such stockholder, it shall be the duty of such District Attorney to cause such stockholder to be examined under oath before some Justice of the Peace in his county, as to the financial condition of such stockholder, and if it shall appear that such stockholder has violated the provisions of this section he shall forfeit his stock in such corporation and in addition thereto shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than one hundred dollars, nor more than five hundred dollars, or by imprisonment in the county jail for a period of not less than one month, nor more than six months, or by both such fine and imprisonment.

Stockholder
responsible.

SEC. 4. Every stockholder shall be personally responsible to the full amount of the par value of the stock held in the company.

SEC. 5. In no case shall the total amount of liabilities incurred by any company exceed the total amount of stock actually held by the members of any incorporation organized under this Act.

To file
articles with
County
Recorder.

SEC. 6. Each company organized under this Act shall file a properly certified copy of its articles of incorporation in the office of the Recorder of each county in this State in which any bond is furnished by such company and no bond shall be accepted or approved in any county until such articles of incorporation are so filed.

SEC. 7. It shall be the duty of any District Attorney in any

county in this State, whenever he may become personally aware that any of the provisions of section three of this Act are being neglected, avoided or not complied with by any officer or stockholder of any surety company formed under the provisions of this Act, to personally cause any such stockholder to be examined under oath concerning the same, before some Justice of the Peace as in said section three provided, and upon the failure of any District Attorney so to do, he shall be deemed guilty of a misdemeanor in office and may be proceeded against accordingly.

Duty of
District
Attorney.

CHAP. LI.—*An Act relating to the Nevada National Guard.*

[Approved March 8, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. It shall be the duty of the Board of County Commissioners of any county in which public arms, accouterments, or military stores are now had, or shall hereafter be received for the use of any company of the Nevada National Guard, to provide a suitable and safe armory for companies of the National Guard organized within such county. The expense of procuring and maintaining such armories shall be paid out of the General Fund of the county, to be paid by the County Treasurer on presentation of the Auditor's certificate that such allowance has been made by the Board of County Commissioners. The Treasurer shall require a receipt of the person presenting said certificate which shall be received by the State Treasurer as so much money, and to be allowed in the settlement by the County Treasurer with the Controller and Treasurer of the State, such expense shall not exceed fifty dollars per month for any company, except that each company regularly drilling with field pieces or machine guns and using horses therewith, may be allowed an additional sum not to exceed five dollars per month for each such piece or gun, said allowance shall be ordered and the amount thereof fixed within the limit according to the discretion of the Adjutant-General.

Board of
County Com-
missioners to
provide
Armory.

Armory
expense.

SEC. 2. No company shall be entitled to receive public money for its support unless it shall meet for drill and instruction not less than one hour, at least twice in each month, and shall practice at rifle firing twice each month during five months in each year at such ranges and targets, number and rounds under such rules and regulations as may be prescribed by the Commander-in-Chief.

Require-
ments for
support.

SEC. 3. Any person who shall wear or use, except when on military duty, or by special permission of his commanding officer, any arm, equipments, uniform, or other article or portion thereof of military property belonging to the State, or the company of which he is a member, or any person who shall refuse or neglect to return to his commanding officer, any State

Members
responsible
for
equipments.

Misdemeanor

military property aforesaid, within one day after being notified by the commanding officer to make said return or to place the same in his charge or any person who shall wilfully or wantonly injure or destroy any State military property aforesaid and refuse or neglect to make good such injury or loss, or who shall sell or dispose of, secrete, or remove the same, with intent to sell or dispose thereof, shall be deemed guilty of a misdemeanor, punishable by a fine of not less than ten nor more than one hundred dollars, together with costs of prosecution or by imprisonment in the County Jail for not less than five nor more than fifty days or by both such fine and imprisonment at the discretion of the Court, to be recovered on the complaint of the Adjutant-General, or other commissioned officer, by an action brought by the District or Prosecuting Attorney, in the name of the State of Nevada, before any Court of competent jurisdiction, and the money so recovered shall be paid into the State Treasury as a part of the Military Fund.

Staff officers.

SEC. 4. The commissioned staff of a Colonel of a regiment shall consist of one Adjutant, one Quartermaster, one Commissary, one Inspector of Rifle Practice; each with the rank of Captain; one Surgeon with the rank of Major, one Assistant Surgeon, and one Chaplain; each with the rank of Captain. The non-commissioned staff shall consist of a Sergeant-Major, Quartermaster Sergeant, Commissary Sergeant, Hospital Steward and Principal Musician.

Repealing Act.

SEC. 5. Sections forty-eight and sixty-five of "An Act relating to the National Guard and Enrolled Militia," approved March 6, 1893, and an Act amendatory of and supplementary to said above entitled Act, approved March 18, 1895, and all other Acts and parts of Acts in so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. LII.—*An Act to provide for the occupancy, improvement, and preferred right to final entry of lands subject to acceptance by the State of Nevada, under the provisions of an Act of Congress entitled "An Act to make appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1895; and for other purposes," approved August 18, 1894, together with all grants of land to the State of Nevada, under the provisions of said Act.*

[Approved March 8, 1897.]

WHEREAS, Section four of said Act of Congress reads as follows:

U. S. aid.

Section Four. That to aid the public land States in the reclamation of the desert lands therein, and the settlement, cultivation and sale thereof in small tracts to settlers, the Secretary of the Interior, with the approval of the President, be, and hereby is, authorized and empowered, upon proper application of the State to contract and agree, from time to

time, with each of the States in which there may be situated U. S. ald.
lands as defined by the Act entitled "An Act to provide for the sale of desert land in certain States and Territories," approved March 3, 1877, and the Act amendatory thereof, approved March 3, 1891, binding the United States to donate, grant and patent to the State free of cost for survey or price such desert lands, not exceeding one million acres in each State, as the State may cause to be irrigated, reclaimed occupied and not less than twenty acres of each one hundred and sixty acres tract, cultivated by actual settlers, within ten years next after the passage of this Act, as thoroughly as is required by citizens who may enter under the said desert land law. Before the application of any State is allowed or any contract or agreement is executed or any segregation of any of the land from the public domain is ordered by the Secretary of the Interior, the State shall file a map of the said land proposed to be irrigated, which shall exhibit a plan showing the mode of the contemplated irrigation on which plan shall be sufficient to thoroughly irrigate and reclaim said land and prepare it to raise ordinary agricultural crops and shall also show the source of the water to be used for irrigation and reclamation and the Secretary of the Interior may make necessary regulations for the reservation of the land applied for by the States to date from the date of the filing of the map and the plan or irrigation, but such reservation shall be of no force whatever if such map of irrigation shall, not be approved. That any State contracting under this section is hereby authorized to make all necessary contracts to cause the said lands to be reclaimed, and to induce their settlement and cultivation in accordance with and subject to the provisions of this section; but the State shall not be authorized to lease any of said lands, or to use or dispose of the same in any way whatever, except to secure their reclamation, cultivation and settlement.

As fast as any State may furnish satisfactory proof according to such rules and regulations as may be prescribed by the Secretary of the Interior, that any of said lands are irrigated, reclaimed and occupied by actual settlers, patents shall be issued to the State or its assigns for said lands so reclaimed and settled; *provided*, that the said States shall not sell or dispose of more than one hundred and sixty acres of land to any one person, and any surplus or money derived by any State from the sale of said lands in excess of the cost of their reclamation, shall be held as a trust fund for and be applied to the reclamation of other desert lands, in such State. That to enable the Secretary of the Interior to examine any of the lands that may be selected under the provisions of this section, there is hereby appropriated out of any moneys in the Treasury, not otherwise appropriated, one thousand dollars;" and

WHEREAS, The Legislature of the State of Nevada by an Act entitled "An Act to provide for the acceptance of lands granted by the United States to the State of Nevada," approved

U. S. aid. March 20, 1895, formally accepted the provisions and conditions of section four of the Act of Congress herein referred to; and

WHEREAS, No provisions has been made by the State of Nevada for filing with the Secretary of the Interior the necessary and required maps showing the lands sought to be irrigated and reclaimed; and

WHEREAS, The occupancy improvement, and preferred right of final entry to lands contemplated to be granted to the State of Nevada, would if authorized by law, increase our population, secure settlers to build homes, create taxable property and generally promote the development of our agricultural, stock-raising, mining and other interests, now wherefore—

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

The State of Nevada to act as agent.

SECTION 1. The State of Nevada will act as agent for any citizen of the United States or any person who has legally declared his intention to become such, corporation, association or syndicate who desire to obtain lands in this State, for settlement or colonization under the provisions of the aforesaid Act of Congress, and will insure to any individual corporation, association or syndicate reclaiming and settling lands in accordance with and under the provisions of the said Act of Congress, a patent to the land thus reclaimed and settled free of cost as to the services of the State as such agent.

List or lists of land to be filed with State Land Register.

SEC. 2. Such person, corporation, association, or syndicate desiring to avail themselves of the benefits of said grant, may file a list or lists of such lands desired by them in the office of the State Land Register, and such list or lists shall be treated as applications for the lands described therein and shall have the same effect of withholding the land or lands therein described from application by any other person or persons under the provisions of this Act for a period of six months from the date of such filing; *provided*, that during said period of six months, the said applicant or applicants, shall deposit in said Register's office, plans or diagrams in triplicate as required by said Act of Congress, showing the proposed mode of reclamation and water supply for the lands applied for by them and shall also show by the affidavits in triplicate of two disinterested citizens of this State that active work has been commenced, or has been finished, by said applicant or applicants for the reclamation of the lands listed as in this section provided.

State Land Register to file duplicates.

SEC. 3. Upon compliance with the provisions of section two of this Act, the State Land Register shall file in the United States Land Office duplicate copies of each of said affidavits, plans or diagrams and list or lists of the land so applied for.

SEC. 4. A failure of the applicant or applicants to diligently prosecute work to reclaim the lands described in any application for a period of one month, shall be deemed a forfeiture of such application and such land shall be open for application

by others upon the filing with the State Land Register satisfactory proof of such forfeiture; *provided*, the suspension of work during the months of December, January, February and March, shall not be deemed a forfeiture.

SEC. 5. Whenever any of said lands are irrigated, reclaimed and occupied, as provided in said Act of Congress, the settler shall furnish satisfactory proof in accordance with such rules and regulations as may be prescribed by the Secretary of the Interior and State Land Register. Settler to furnish proof.

SEC. 6. The State Land Register shall make rules and regulations and furnish necessary blanks required in carrying out the provisions of this Act.

SEC. 7. The County Surveyor of the several counties of this State are the authorized agents of the State to certify to the required maps and plans and shall also examine and certify to the character of the lands proposed to be reclaimed. Their compensation while actually so employed shall not exceed ten dollars per day to be paid by the applicants. The said applicants may employ any one or more of said County Surveyors. County Surveyor to certify.

SEC. 8. All U. S. Land Office fees and charges are to be paid by the applicant or applicants.

CHAP. LIII.—*An Act to provide for the preservation of fish in the waters of the State of Nevada.*

[Approved March 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. It shall not be lawful for any person or persons to take, catch or kill any river or brook trout or land-locked salmon in any of the streams, rivers or other waters within this State between the first day of October, and the first day of April of the succeeding year; *provided*, that the close season as to lake trout in all the lakes of this State shall commence on the first day of February and end on the first day of June in each and every year. Close season, river trout.
Close season, lake trout.

SEC. 2. It shall not be lawful for any person or persons to have in his or their possession, or to buy or sell or offer or expose for sale any river or brook trout or land-locked salmon taken, caught or killed in any river, stream or other waters of this State between the first day of October, and the first day of April of the succeeding year, or for any person or persons to have in his or their possession or to buy or sell or offer or expose for sale, any lake trout taken, caught or killed in any lake or other waters of this State between the first day of February and the first day of June of each and every year. Liabilities of carriers.

SEC. 3. It shall not be lawful for any person or persons in the State of Nevada, at any time, to take, catch or kill any river, lake or brook trout or land-locked salmon in any river, stream, lake or other waters within this State with any seine, How taken.

net, spears or grab-hook or by means of any set line, set hooks, gill net, wier-fence, basket, trap, giant powder or any explosive compound or with or by means of any other implement or substance or in any manner, except by hook or line; *provided, however*, that nothing in this Act shall be construed to prohibit the taking of fish in private ponds constructed expressly for raising fish by the owner thereof.

Liability of
carriers.

SEC. 4. It shall not be lawful for any common carrier, express company, railroad company or any other corporation or person to ship or transport or receive for shipment or transportation any river, or brook trout or land-locked salmon, taken, caught or killed in any stream, river or other waters of this State between the first day of October and the first day of April of the succeeding year, or to ship or transport, or to receive for shipment or transportation any lake trout taken, caught or killed in any lake or other waters of this State between the first day of February and the first day of June in each and every year.

Permit from
Fish Com-
missioner.

SEC. 5. It shall not be lawful for any person or persons to take any spawn, or ova from any variety of trout, or from any river, stream or lake or other waters in the State of Nevada, without first having obtained a written permit so to do from the Fish Commissioner of the State of Nevada.

Misdemeanor

SEC. 6. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty dollars nor exceeding one hundred dollars or by imprisonment in the County Jail not exceeding fifty days or by both such fine and imprisonment.

Information
of violation.

SEC. 7. Any person giving information which leads to the conviction of any person or persons for violating any of the provisions of this Act, shall, upon the conviction of such person or persons, be entitled to receive one-half of the fine paid or collected from the person or persons upon whom such fine was imposed.

SEC. 8. All Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed.

CHAP. LIV.—*An Act authorizing the destruction of wild, unbranded horses, mares and colts over the age of twelve months, found running at large on Government range lands.*

[Approved March 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Age for
destruction.

SECTION 1. Any citizen of the State of Nevada is hereby authorized and it shall be lawful for him to kill any wild unbranded horse, mare or colt, over the age of twelve months found running at large on any of the Government range lands in the State of Nevada; *provided*, that the person desiring to

kill horse, mare, or colt, under the provisions of this Act, shall first file with the County Clerk of the county in which he desires to kill horse, mare, or colt, a written application directed to the Board of County Commissioners, describing the range or ranges, upon which he intends to kill horse, mare, or colt. Said application shall remain upon file, at least two weeks, before being acted upon by the Board of County Commissioners. The Board of County Commissioners shall have power to grant or refuse the application as the circumstances may warrant, and may at any time revoke the permission under any application. Must file application.

SEC. 2. Any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty dollars nor more than sixty dollars, or be confined in the County Jail for a period not exceeding thirty days or by both such fine and imprisonment. Misdemeanor

SEC. 3. This Act shall take effect and be in force on and after the first day of July, 1897.

SEC. 4. All Acts and parts of Acts in so far as they may conflict with the provisions of the foregoing Act, are hereby repealed. Repealing Act.

CHAP. LV.—*An Act to repeal an Act entitled "An Act amendatory of and supplementary to an Act entitled an Act to create a Board of County Commissioners in the several counties of this State, and to define their duties and powers," approved February 14, 1881.*

[Approved March 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. That an Act entitled "An Act amendatory of and supplementary to an Act entitled an Act to create a Board of County Commissioners in the several counties of this State, and to define their duties and powers," approved February 14, 1881, be and the same is hereby repealed. Act repealed.

CHAP. LVI.—*An Act authorizing and directing the Board of County Commissioners of Elko county, State of Nevada, to issue and sell bonds for the purpose of providing means to equip and furnish the County High School in said county, and other matters properly relating thereto.*

[Approved March 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Board of County Commissioners of Elko

To issue bonds.	county, State of Nevada, is hereby authorized and directed under the provisions of this Act, to issue and sell the bonds of said county bearing interest at a rate not exceeding six (6) per cent per annum, for a sum not exceeding fifteen hundred dollars (\$1,500), which bonds shall run and be payable ten years after the first day of January, 1898. The proceeds arising from the issuance of said bonds shall be used for the purpose of more fully completing, furnishing and equipping the County High School heretofore established and erected in said county, under the provisions of an Act entitled "An Act permitting the establishment of County High Schools in the various counties of this State, and providing for the construction, maintenance and management of the same," approved March 4, 1895.
Purpose of bonds.	
Denomination of bonds.	SEC. 2. Said bonds shall be sold and issued at any time before the first day of January, 1898, and shall be for sums not less than five hundred dollars (\$500) each, in lawful money of the United States, and shall be payable to bearer, and the interest thereon shall be payable annually and coupons for such installments of interest shall be attached to said bonds.
Bonds due.	SEC. 3. The entire principal of said bonds shall be payable on January 1, 1908.
	SEC. 4. The bonds and coupons herein provided for shall be signed by the Chairman of said Board of County Commissioners and countersigned by the Clerk of said Board, and the said Clerk shall attach thereto the county seal.
Paid to County Treasurer.	SEC. 5. The proceeds arising from the sale of said bonds shall be paid to the County Treasurer of said county, and said Treasurer is hereby required to receive and safely keep the same in a fund heretofore created and known as the Elko County Special High School Fund, under the provisions of an Act of the Legislature entitled "An Act authorizing and directing the Board of County Commissioners of Elko county, State of Nevada, to issue bonds for the purpose of providing means to establish, construct and maintain a County High School in said county," approved March 13, 1895, and pay out said moneys only in the manner now required by law and for the purposes for which the same are received.
Treasurer liable on official bond.	SEC. 6. The said County Treasurer shall be liable on his official bond for the safe keeping of the moneys which shall come into his hands, under the provisions of this Act, and for the faithful discharge of all his duties in relation thereto.
Tax levied.	SEC. 7. For the purpose of providing for the payment of said bonds and the interest thereon as the same shall become due, the said Board of County Commissioners is hereby authorized and directed in the manner and at the times as are required by the provisions of the said Act entitled "An Act authorizing and directing the Board of County Commissioners of Elko county, State of Nevada, to issue bonds for the purpose of providing means to establish, construct and maintain a County High School in said county," approved March 13, 1895, to levy a sufficient tax upon all the taxable property of said Elko county, according to law and the assessed valuation

thereof, to pay the principal and interest of said bonds issued hereunder. The tax so levied shall be assessed and collected as other taxes are assessed and collected, and shall be paid into the County Treasury and set apart as a fund, which has heretofore been created and known as the Elko County High School Bond Redemption Fund, under the provisions of the last above named Act, and the money in said fund shall be paid out by the said County Treasurer in the payment of the principal and interest of said bonds, as the same become due, upon presentation and surrender of said bonds and coupons to the said County Treasurer, at his office. The said County Treasurer shall be liable on his official bond for the safe keeping of the money which shall come into said High School Bond Redemption Fund, under the provisions of this Act, and for the faithful discharge of all his duties in relation thereto. Tax levy.

SEC. 8. Should the holder of said bonds or any part thereof, for any cause whatever, fail to present said bonds to said County Treasurer for payment as they become due, all interest shall thereafter immediately stop. Interest ceases.

SEC. 9. Any moneys remaining in said High School Bond Redemption Fund after the payment of said bonds and coupons issued under the provisions of this Act, shall be transferred by the said Board of County Commissioners to the County High School Fund of said county, and used and applied for the purposes of said County High School. Surplus to be transferred.

CHAP. LVII.—*An Act to amend section six of an Act entitled "An Act to amend sections two, three, four, five, six, seven, eight, ten, twelve, fourteen, fifteen, sixteen, eighteen and twenty-one of an Act entitled "An Act to provide for the selection and sale of lands that have been or may hereafter be granted by the United States to the State of Nevada," approved March 12, 1885, as amended March 5, 1887, approved March 11, 1889.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section six of said above entitled Act is hereby amended so as to read as follows:

Section six. Section seven of said above entitled Act is hereby amended so as to read as follows:

Section seven. All applicants for purchase of lands not approved to the State at the time of making application shall deposit with the State Land Register the amount of fees required for selecting the same in the United States Local Land Office: Also the amount of fees required for advertising such selection—if the land so selected or any part thereof—be situated within six miles of a mineral claim or location the Fees to be deposited with State Land Register, when.

amount of which said advertising fee for each application is hereby limited to and fixed at two dollars. The applicant in every instance shall also bear the actual expense of all non-mineral affidavits required by law, or the regulations of the United States General Land Office.

CHAP. LVIII.—*An Act to amend an Act entitled "An Act to provide for the appointment of Inspectors of Hides, defining their duties, and mode of compensation," approved March 3, 1881.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Hide
Inspector.

SECTION 1. It shall be the duty of any District Court in this State, upon the application, in writing, of three or more property owners in any township of any county within said district, to appoint in and for such township, and for such length of time as may be deemed necessary not exceeding two years, an Inspector of Hides, whose duty it shall be to examine, when requested so to do by any three taxpayers of said township, the hides of any or all cattle killed in said township, and to mark each hide inspected in such a manner as may be indicated by the District Judge, and shall, upon the request of said taxpayers as aforesaid, have the right, and it shall be his duty, to go upon the premises of any resident of such township and make search for any hides concealed, or which such Inspector or said taxpayers may have reason to believe are concealed upon said premises, and shall report, in writing, to the District Attorney of the county in which he has been appointed at such times as may be designated by the District Court making the appointment, giving the number of hides inspected, the brands or other marks upon such hides, the names of the persons in whose possession they were found, and whether the persons having them in possession had killed the cattle from which the hides were taken, or had obtained them from other persons, and the names of such persons.

Duty of Hide
Inspector.

Compensa-
tion.

SEC. 2. The rate of compensation of such inspectors shall be fixed by the Court at the time the appointments are made, and shall be paid by the parties on whose petition they are appointed, or by the taxpayers upon whose request they act, as provided in section one of this Act.

CHAP. LIX.—*An Act to amend an Act entitled "An Act consolidating certain county officers in Lyon county, and regulating the compensation of the county officers in said county," approved March 16, 1891, approved February 18, 1893.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section three of said Act is hereby amended so as to read as follows:

Section three. On and after the first day of January (1899) County Clerk. eighteen hundred and ninety-nine. The County Clerk, as ex officio County Treasurer, shall receive an annual salary of one thousand two hundred dollars, which shall be in full compensation for all his services, both as County Clerk and ex officio County Treasurer. He shall make no charge for services performed for the county; but all fees authorized by law and collected by him shall be turned into the County Treasury. He shall furnish the Board of County Commissioners, on the first Monday of each and every month, an itemized statement, under oath, of the amount of fees so collected and date of entry on the books of the Treasurer's office when said fees were turned into the County Treasury.

SEC. 2. Section four of said Act is hereby amended so as to read as follows:

Section four. On and after the first day of January, eighteen County Recorder. hundred and ninety-nine, the County Recorder, as ex officio County Auditor, and also as ex officio Superintendent of Public Schools, shall receive an annual salary of one thousand two hundred dollars, which shall be in full compensation for all his services, as County Recorder, ex officio County Auditor and ex officio Superintendent of Public Schools. He shall make no charge for services performed for the county, but all fees authorized by law and collected by him shall be paid into the County Treasury on the first Monday of each and every month, and he shall at the same time prepare and file with the County Treasurer a full and accurate itemized statement, under oath, of all such fees collected by him in his official capacity during the month previous, and also a duplicate copy thereof with the Board of County Commissioners.

SEC. 3. Section five of said Act is hereby amended so as to read as follows:

Section five. On and after the first day of January, eighteen Sheriff. hundred and ninety-nine, the Sheriff, as ex officio County Assessor, shall receive an annual salary of one thousand two hundred dollars, and shall receive for all services and duties to be performed by him as Sheriff, all fees now allowed by law, which, together with his salary as ex officio County Assessor, shall be in full compensation for all services and duties to be performed by him as both Sheriff and ex officio County Assessor.

SEC. 4. Section eight of said Act is hereby amended so as to read as follows:

District
Attorney.

Section eight. On and after the passage of this Act, the District Attorney of Lyon county, shall receive an annual salary of six hundred dollars, which shall be in full compensation for all his services as District Attorney.

Repealing
Act.

SEC. 5. All Acts and parts of Acts in so far as they conflict with this Act, are hereby repealed.

CHAP. LX.—*An Act to authorize the Board of County Commissioners of Lyon county to issue bonds for the purpose of providing a fund to pay the bonded indebtedness of said county.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Board of
County Com-
missioners to
issue bonds.

SECTION 1. In order to refund the indebtedness of Lyon county, for which bonds are now issued and at present outstanding under the Act approved February 9, 1887, entitled "An Act to provide for the issuance of bonds by the county of Lyon, in order to provide for the payment of twenty-five thousand dollars of the bonds of said county heretofore issued and now outstanding." The Board of County Commissioners are hereby authorized and empowered to prepare and issue the bonds of said county, to the amount of not exceeding twenty thousand dollars, in the manner and form hereinafter specified, for the purpose of providing funds for the payment of the said bonded indebtedness, or so much thereof as may remain unpaid when the bonds herein provided for shall have been issued and sold.

To be signed,
counter-
signed and
seal of county
attached.

SEC. 2. The Board of County Commissioners of said county shall cause said bonds to be prepared, and they shall be signed by the Chairman of the Board and countersigned by the County Treasurer, and authenticated with the seal of the county. Coupons for interest shall be attached to each bond, so that the same may be removed without injury to the bond, and coupons consecutively numbered shall be signed by the Chairman of the Board of County Commissioners and the County Treasurer.

Clerk to keep
record.

SEC. 3. The Clerk of the Board of County Commissioners shall keep a record of all proceedings under the provisions of this Act, showing the number, date and amount of each, and to whom issued.

County Com-
missioners to
negotiate
sale of bonds.

SEC. 4. The Board of County Commissioners of said Lyon county are hereby authorized to negotiate the sale of said bonds, or, exchange the same for an equal number and amount of the outstanding bonds of Lyon county, either by advertising for sealed proposals for the sale of the same, or to exchange the old bonds for the new or otherwise, as they may deem

proper, the proceeds from the sale of said bonds shall be applied to the payment of the bonds then outstanding, heretofore specified; *provided* that none of the bonds, the issuance of which is herein provided for, shall be disposed of for less than their par value, or exchanged for the outstanding bonds for a less amount than is specified in the bonds hereby authorized to be issued under the provisions of this Act, and that all sales of said bonds shall be made for gold coin of the United States of America, and with the interest thereon shall be payable in such gold coin.

SEC. 5. Said bonds shall be in sums of one hundred, three hundred, five hundred and one thousand dollars, bonds, and the interest on the same shall not exceed more than five and one-half (5½%) per cent per annum, payable annually, namely, on the first Monday of December of each year, at the office of the County Treasurer of said Lyon county, and in no case shall any of said bonds issued by virtue of this Act run a longer period than twenty-five (25) years.

Denominations of bonds.

SEC. 6. For the purpose of creating a fund for the payment of the bonds authorized by this Act, and the interest thereon, the Board of County Commissioners of Lyon county are hereby authorized and required to levy and collect annually a special tax of not exceeding fifty (50) cents upon each one hundred dollars of the assessed value of all property, real and personal, including the proceeds of mines and mining claims within the boundaries of said Lyon county, until such bonds and the interest thereon shall have been fully paid. Such tax shall be levied and collected in the same manner and at the same time as other taxes are assessed and collected, and the proceeds thereof shall be kept by the County Treasurer in a special fund to be known as the Redemption and Interest Fund of Lyon county.

Special tax levy.

SEC. 7. Whenever, on the first Monday of December, nineteen hundred and two, and any year thereafter, after the payment of the interest then accrued on said bonds, there shall remain a surplus in said Redemption and Interest Fund of five hundred dollars or upwards, the County Treasurer of said Lyon county shall proceed to advertise for not less than three weeks consecutively, in a newspaper published within the county of Lyon, and in one other newspaper published either in the State of Nevada, or the State of California, as the Board of County Commissioners may designate, a notice inviting proposals for the surrender of the bonds provided for by this Act. Such advertisement shall state the time and place for receiving such bids, the amount of money on hand applicable to the redemption of such bonds, and that no bid will be received at a rate exceeding the par value thereof. The County Treasurer, together with the County Commissioners, shall proceed to open and consider such proposals at the time and place specified in such advertisement, and shall accept such proposals, at a rate not exceeding the par value, as may redeem the greatest amount of bonds, until the amount of money on hand is exhausted; *provided*, that in case more

Provides for payment of bonds.

bonds are offered for redemption than can be paid for by the money in said fund, said County Treasurer and said Board of County Commissioners shall determine by lot which of said bonds so offered shall be paid first; *and provided further*, that in case any bonds shall be offered at a discount, the lowest bids shall be accepted, and in case, on the day named for reception of proposals, no bids for the surrender of bonds have been filed with the County Treasurer, or there be remaining in the Redemption and Interest Fund, after redeeming all bonds offered for redemption, a sufficient amount of money to redeem additional bonds, the County Treasurer and County Commissioners shall determine by lot which of said bonds shall be redeemed, and the County Treasurer shall then give notice, by publication in a newspaper, or newspapers, as hereinbefore provided in this section, that the bonds specified in said notice, if not presented for payment, shall cease to bear interest from and after twenty (20) days from the first publication of said notice.

SEC. 8. Whenever the bonds and interest provided for in this Act, shall have been fully paid, the tax authorized by this Act shall cease and all moneys remaining in said Redemption and Interest Fund shall, by order of the Board of County Commissioners, be transferred to the General Fund of said county.

Bonds
cancelled.

SEC. 9. Whenever the County Treasurer shall pay any coupons or bonds issued under the provisions of this Act, he shall cancel the same, by writing across the face thereof Paid, together with the date of such payment, signing his name thereto, and turn the same over to the County Auditor, taking his receipt therefor, which receipt shall be filed with the Clerk of the Board of County Commissioners, and the said Auditor shall credit the said Treasurer on his books with the amounts so paid on coupons or bonds.

Faith
pledged.

SEC. 10. The faith of the State of Nevada, is hereby pledged that this Act shall not be repealed, nor taxation thereby imposed omitted, until all the bonds and coupons issued under and by virtue thereof shall have been paid in full.

CHAP. LXI.—*An Act to fix the compensation to be paid the Sheriff of Storey county, for the services of a Jailer to be appointed by him.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Salary of
jailer.

SECTION 1. The Sheriff of Storey county shall receive as full compensation for the services of a Jailer appointed by him the sum of four dollars per day for and during the said Jailer's incumbency of said office of Jailer; *provided*, the compensation to said Sheriff for said purpose shall not exceed the amount.

actually contracted by said Sheriff to be paid to his said Jailer for his services as such.

SEC. 2. The compensation herein above provided for shall be paid said Sheriff on the first Monday of each and every month from and after the passage hereof for the month next preceding. Said Sheriff's bill for said compensation shall be presented to the Board of County Commissioners to be audited and passed upon in the same manner and form and subject to the same objections as are other claims against the county.

Claim for salary to be presented to Board of County Commissioners.

SEC. 3. No other salary or compensation than that in this Act provided for shall be allowed or paid said Sheriff, or any Jailer appointed by him, for the services of a Jailer or Jailers for said county, or the jail thereof; and said compensation shall not be allowed to more than one Jailer for any one time, day or period.

CHAP. LXII.—*An Act to amend sections four and five of an Act entitled "An Act to provide for the better preservation of the mining records of this State, and to repeal all other Acts in conflict with this Act," approved February 14, 1885.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of the above entitled Act is hereby amended so as to read as follows:

Section four. The County Recorders of the several counties shall receive for their services for recording each of said duplicate notices mentioned in section two of this Act, the sum of one dollar; *provided*, that in case the location is made outside of any organized mining district or in the absence of a mining recorder in any organized district, then the person or persons making such location shall within ninety days after making such location transmit a duplicate copy of such notice to the Recorder of the county in which the location is made and the Recorder shall record the same for a fee of one dollar.

Fees for recording.

SEC. 2. Section five of the above entitled Act is hereby amended so as to read as follows:

Section five. The record of any original or duplicate notice of the location of a mining claim in the office of the County Recorder, as herein provided, shall be received in evidence, and have the same force and effect in the Courts of the State, as the original mining district records.

Duplicate notice to have force.

CHAP. LXIII.—*An Act regulating the compensation of county officers in Churchill county and other matters relating thereto.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Officers' salary.

SECTION 1. The following named county officers in Churchill county shall receive the following compensations, which shall be in full for all services and all ex officio services required by law.

Sheriff.

Clerk.

Recorder.

Treasurer.

District Attorney.

Assessor.

Officers to file statements.

SEC. 2. The Sheriff of Churchill county shall receive four hundred dollars per annum as the total compensation of said Sheriff; the County Clerk who shall be ex officio Clerk of the Board of County Commissioners, and also Clerk of the District Court of his county, shall receive five hundred dollars per annum; the County Recorder and ex officio County Auditor shall receive six hundred dollars per annum; the County Treasurer shall receive six hundred dollars per annum; the District Attorney and ex officio Superintendent of Public Schools shall receive four hundred dollars per annum; the Assessor shall receive four hundred dollars per annum; the Commissioners shall each receive three hundred dollars per annum, but no fees for mileage traveled shall be allowed.

SEC. 3. The several officers named in this Act who are required to collect and pay into the County Treasury all their fees, percentages or compensation shall, on the first Monday in each and every month, file with the County Treasurer a full and accurate statement, under oath, of all fees and percentages or compensation of whatever nature or kind received in their several official capacities during the preceding month, and shall also file a duplicate copy thereof with the Clerk of the Board of County Commissioners, in which statement they shall set forth the causes in which and the services for which such compensations were received. And it shall be the duty of said officers to keep a book in which shall be entered the items of every kind and description of official service rendered by themselves or their deputies, and the time of rendering said services and the amount allowed by law and collected for each particular service. Said books shall be open to the inspection of the Board of County Commissioners and citizens at all times.

Fine for neglect.

SEC. 4. For a willful neglect or refusal to comply with any of the provisions of this Act, any officer or officers herein named shall, on conviction, be subject to a fine not exceeding one thousand dollars, and to forfeit their offices, and to imprisonment in the State Prison not exceeding one year; *provided*, that nothing in this section shall be held to release the officers therein named from giving official bonds as required by law, or from any civil responsibility to any and all persons in relation to the business of their said offices that may be by other laws applicable to their official duties.

SEC. 5. No officer named in this Act shall perform any services until the fees prescribed by law are paid; *and be it provided*, if any salaried officer shall neglect or refuse to collect the legal fees for his services, he and his bondsmen shall be liable to pay double the amount of such fees not collected, together with costs of suit, to be recovered in any court of competent jurisdiction. Officers liable for neglect.

SEC. 6. An Act entitled "An Act consolidating certain county officers in Churchill county," approved February 18, 1895, and all Acts and parts of Acts, heretofore passed, in so far as they may conflict with, or are repugnant to the provisions of this Act, are hereby repealed. Repealing Act.

SEC. 7. This Act shall take effect and be in force on and after the first Monday in January, A. D. 1899. To take effect.

CHAP. LXIV.—*An Act for the relief of the Nevada National Guard.*

[Approved March 12, 1896.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of seven thousand four hundred and fifty-two dollars is hereby appropriated out of the General Fund of the State Treasury, not otherwise appropriated, to pay the claims of the Nevada National Guard, for the years of 1895 and 1896, as follows: Amount appropriated.

Adjutant-General, for services, six hundred dollars.

Items.

Adjutant-General, for mileage on official business, thirty-seven dollars.

Company A, for armory rent, one thousand and fifty dollars.

Company B, for armory rent, one thousand and fifty dollars.

Company C, for armory rent, eleven hundred and fifty-five dollars.

Company D, for armory rent, one thousand and fifty dollars.

Company F, for armory rent, one thousand and fifty dollars.

Battery A, for armory rent, twelve hundred and sixty dollars.

Company E, for armory rent and storage of property, two hundred dollars.

SEC. 2. The State Controller is hereby authorized and directed to draw warrants upon the State Treasurer, and the State Treasurer is hereby authorized to pay the same, for the amounts found to be due as above, and audited and approved by the Board of Military Auditors. To draw warrants on approval.

CHAP. LXV.—*An Act to restrict the creation of deficiencies in funds or appropriations set apart or made by the Legislature of the State of Nevada.*

[Approved March 12, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Restriction of deficiencies.

SECTION 1. No Board, Commission, State officer or employe of the State of Nevada, having charge of or entrusted with the expenditure or disbursement of any money set apart or appropriated by the Legislature to be paid out or expended for the benefit of the State of Nevada, shall expend or pay out, or contract to be expended or paid out, any sum of money whatever in excess of the amount so set apart or appropriated by the Legislature, so as to create a deficiency in such fund or appropriation, unless such deficiency, and the amount thereof shall have first been authorized in writing by the State Board of Examiners.

Prohibited.

SEC. 2. The State Board of Examiners is hereby prohibited from allowing, and the State Controller from drawing his warrant for any deficiency claim against the State of Nevada, not incurred or created in accordance with the provisions of section one of this Act.

To take effect.

SEC. 3. This Act shall take effect and be in force from and after the date of its passage.

CHAP. LXVI.—*An Act to amend an Act entitled "An Act to create Judicial Districts in the State of Nevada, provide for the election of District Judges therein and fix their salaries," approved March 18, 1891.*

[Approved March 13, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Districts created.

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

Section one. The State of Nevada is hereby divided into five Judicial Districts. The counties of Storey, Douglas, Esmeralda, Ormsby, and Lyon shall constitute the First Judicial District; the counties of Washoe and Churchill shall constitute the Second Judicial District; the counties of Nye, Lander and Eureka shall constitute the Third Judicial District; the counties of Elko, White Pine and Lincoln shall constitute the Fourth Judicial District, and the county of Humboldt shall constitute the Fifth Judicial District.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Time of election.

Section two. There shall be elected at the general election in the year Anno Domini eighteen hundred ninety-eight one

District Judge in and for each Judicial District created by section one of this Act, and their successors shall be elected at the general election every four years thereafter. The election of District Judges in this State shall be by the qualified voters of their respective Judicial Districts, and no person shall be eligible to the office of District Judge in any Judicial District other than the one in which he is an actual and qualified elector.

SEC. 3. Section four of said Act is hereby amended so as to read as follows:

Section four. The Salary of each District Judge hereafter elected as provided for in this Act, and those appointed to fill vacancies after the first Monday in January, A. D. 1899, shall be four thousand dollars per annum except the salary of the District Judge of the Fifth Judicial District in and for Humboldt county, which salary shall be twenty-four hundred dollars per annum. Said salaries shall be paid in equal monthly installments out of the District Judges' Salary Fund, hereby created in the State Treasury, which fund shall be supplied in the manner following, to wit: Each county in the State shall contribute annually to said fund the following sums; Storey county, one thousand eight hundred thirty-three dollars; Ormsby county, seven hundred twenty-eight dollars; Douglas county, three hundred twenty-eight dollars; Esmeralda county, five hundred thirty-four dollars; Lyon county, five hundred ninety-two dollars; Washoe county, three thousand five hundred fifty-two dollars; Churchill county, four hundred forty-eight dollars; Humboldt county, two thousand four hundred dollars; Nye county, five hundred seventy-nine dollars; Lander county, one thousand three hundred seventy-eight dollars and fifty cents; Eureka county, two thousand and forty-two dollars and fifty cents; Elko county, two thousand eight hundred twenty-three dollars; White Pine county, seven hundred and seventy-seven dollars; Lincoln county, four hundred dollars; and it is hereby made the duty of the Board of County Commissioners of each county to make such arrangements and orders as may be necessary to insure the forwarding of their counties' quota of said District Judges' Salary Fund to the State Treasury at such times and in such installments as will enable the State Treasurer to pay each District Judge one-twelfth of his annual salary on the first day of each and every month and to cause such money to be forwarded by the County Treasurers, and if necessary, in order to render certain the forwarding of such moneys in ample time to prevent any default in said monthly installments, said Board of County Commissioners shall transfer and use any moneys in the County Treasuries, except those belonging to the Public School Fund. No salary of any District Judge shall be paid in advance.

Salaries of
District
Judges.

County ap-
portionment.

SEC. 4. Section six of said Act is hereby amended so as to read as follows:

Section six. The provisions of this Act for the election of

Take effect. five District Judges in the year Anno Domini 1898, shall take effect and be in force at such times as shall be necessary in order to accomplish that purpose, and the remainder of this Act shall take effect and be in force on and after the first Monday in January, A. D. 1899.

CHAP. LXVII.—*An Act making appropriation for the support of the civil government of the State of Nevada for the fiscal years 1897 and 1898.*

[Approved March 13, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The following sums of money are hereby appropriated for the purpose hereinafter expressed, and for the support of the government of the State of Nevada for the years 1897 and 1898:

Governor. SEC. 2. For the salary of the Governor, eight thousand dollars (\$8,000).

Private Secretary. SEC. 3. For the salary of the Governor's Private Secretary, twenty-four hundred dollars (\$2,400).

Rewards. SEC. 4. For payment of rewards offered by the Governor, one thousand dollars (\$1,000).

Lieutenant-Governor. SEC. 5. For per diem and mileage of President *pro tem* of Senate while acting as Governor, five hundred dollars (\$500).

Secretary of State. SEC. 6. For salary of Secretary of State and ex officio Clerk of the Supreme Court and ex-officio State Librarian, forty-eight hundred dollars (\$4,800).

Deputy. SEC. 7. For salary of Deputy Secretary of State, twenty-four hundred dollars (\$2,400).

State Controller. SEC. 8. For salary of State Controller, forty-eight hundred dollars (\$4,800).

Deputy. SEC. 9. For salary of Deputy State Controller, twenty-four hundred dollars (\$2,400).

Collection of revenue. SEC. 10. For enforcing collection of revenue and prosecuting delinquents, to be under the control and direction of the State Controller, two thousand dollars (\$2000).

State Treasurer. SEC. 11. For salary of State Treasurer, forty-eight hundred dollars (\$4,800).

Deputy. SEC. 12. For salary of Deputy State Treasurer, twenty-four hundred dollars (\$2,400).

Attorney-General. SEC. 13. For salary of Attorney-General, four thousand dollars (\$4000).

Surveyor-General. SEC. 14. For salary of Surveyor-General and State Land Register, forty-eight hundred dollars (\$4,800), payable out of the State School Fund.

Deputy. SEC. 15. For salary of Deputy Surveyor-General and State Land Register, twenty-four hundred dollars (\$2400), payable out of the State School Fund.

SEC. 16. For salary of Draughtsman in State Land Office,

twenty-four hundred dollars (\$2,400), payable out of the State School Fund. Draughtsman Land Office.

SEC. 17. For salary of Clerks in State Land Office, and for transcribing old township plats and abstract books, twelve hundred dollars (\$1200), payable out of the State School Fund. Pay of clerks Land Office.

SEC. 18. For the purchase of township plats furnished from the United States Surveyor-General's Office, provided that the price per plat shall not exceed six dollars (\$6), five hundred dollars (\$500), payable out of the State School Fund. Township plats.

SEC. 19. For the purchase of omnibus for vault and preparing draughtsman's room in Surveyor-General's Office, to receive part of office records, three hundred and fifty dollars (\$350). Furniture and repairs.

SEC. 20. For payment of attorney at Washington, D. C., to attend and represent the land interests of the State before the Departments, fifteen hundred dollars (\$1500), payable out of the State School Fund. Attorney at Washington.

SEC. 21. For salary of the State Superintendent of Public Instruction, two thousand dollars (\$2,000), payable out of the General School Fund. Superintendent of Public Instruction.

SEC. 22. For salary of State Superintendent of Public Instruction as ex officio Curator of State Museum, twenty-eight hundred dollars (\$2,800), payable out of the General Fund.

SEC. 23. For traveling expenses of the State Superintendent of Public Instruction, six hundred dollars (\$600), payable out of the General School Fund. Public schools.

SEC. 24. For expenses of Teachers' Institute, for 1897 and 1898, two hundred dollars (\$200), payable out of the General School Fund. Teachers' Institute.

SEC. 25. For the salaries of Justices of the Supreme Court, twenty-seven thousand dollars (\$27,000). Supreme Court.

SEC. 26. For pay of Bailiff of Supreme Court, four hundred dollars (\$400). Bailiff.

SEC. 27. For salary of Superintendent of State Printing, four thousand dollars (\$4,000). State Printer.

SEC. 28. For the support of the State Printing Office, twelve thousand dollars (\$12,000). State Printing.

SEC. 29. For printing and binding Nevada Reports, four thousand five hundred dollars (\$4,500). Nevada Reports.

SEC. 30. For official advertising and bookbinding, three thousand dollars (\$3,000). Bookbinding and advertising.

SEC. 31. For transportation, care and support of the indigent insane of the State, to be expended under the direction of the Board of Commissioners for the care of the Indigent Insane, seventy-one thousand five hundred dollars (\$71,500). Insane Asylum.

SEC. 32. For engine boiler and other machinery for Hospital for Mental Diseases, three thousand five hundred dollars (\$3,500). New machinery.

SEC. 33. For the support of the State Orphans' Home, to be expended under the directions of the Board of Directors, twenty-seven thousand dollars (\$27,000). State Orphans' Home.

SEC. 34. For salary of one Teacher and one Assistant Teacher at the State Orphans' Home, twenty-four hundred Teachers.

- dollars (\$2,400), payable out of the General School Fund.
- Furniture and repairs.** SEC. 35. For the purchase and placing kitchen range, painting and repairs, and erection of boys' building at the State Orphans' Home, four thousand dollars (\$4,000).
- State Prison.** SEC. 36. For the support of the Nevada State Prison, fifty-eight thousand dollars (\$58,000).
- New machinery.** SEC. 37. For new machinery for State Prison, fifteen hundred dollars (\$1500).
- Deaf, dumb and blind.** SEC. 38. For the education of the deaf, dumb, and the blind, and their transportation to and from the Institution, to be expended under the direction of the State Board of Education, four thousand dollars (\$4,000), payable out of the General School Fund.
- District Judges.** SEC. 39. For traveling expenses of the District Judges, twenty-five hundred dollars (\$2500).
- State buildings.** SEC. 40. For salaries of janitor, gardeners and night watchman for the State Capitol Building and grounds, also Printing Office Building and grounds, six thousand dollars (\$6,000).
- Lights, fuel, stationery.** SEC. 41. For stationery, fuel, and lights for State offices and the State Capitol Building and grounds, four thousand dollars (\$4,000).
- Contingent expenses.** SEC. 42. For current expenses, telegraph, postal and contingent, for the State officers, Supreme Court, and State Library, and for the transportation of State property, three thousand six hundred dollars (\$3,600), which said sum includes the sum of three hundred dollars (\$300) for necessary type-writing for the office of Attorney-General as directed by him.
- Election expenses.** SEC. 43. For election expenses, purchase of paper, boxing, freights, etc., four hundred dollars (\$400).
- Capitol grounds.** SEC. 44. For maintaining Capitol grounds and water works, twenty-five hundred dollars (\$2,500).
- Furniture and repairs.** SEC. 45. For furniture, painting and repairs of the Capitol and Printing Office Buildings, fifteen hundred dollars (\$1,500).
- Fish Commissioner.** SEC. 46. For the necessary expenses of the Fish Commissioner in closing up the business of that office, two thousand dollars (\$2,000), seven hundred dollars (\$700) for Elko hatchery, and thirteen hundred dollars (\$1300) for Carson hatchery.
- Weather Service.** SEC. 47. For salary of Director of the State Weather Service, six hundred dollars (\$600).
- State University.** SEC. 48. For the support of the State University and Laboratory, thirty-two thousand five hundred dollars (\$32,500), payable out of the Contingent University Fund, and the Interest Account Ninety-Thousand Acre Grant, sixteen thousand two hundred and fifty dollars (\$16,250) from each.
- University book fund.** SEC. 49. For the creation of an irreducible book fund for the State University, being the capital necessary for the purchase of books which are sold to the students at cost. This irreducible book fund cannot be impaired, and must be fully accounted for to the State at the next meeting of the Legislature, one thousand dollars (\$1,000).
- Legislative halls.** SEC. 50. For the furnishing of lights and fuel, and repairing Legislative halls and furniture for the Nineteenth Session

of the State Legislature, two hundred and fifty dollars (\$250).

SEC. 51. For pay of salary of Clerk in State Library, to be expended under the direction of the Secretary of State, four-
 hundred forty dollars (\$1440). Clerk State Library.

SEC. 52. For insurance on Capitol Building, State Library, Public Records and Furniture, two thousand dollars (\$2,000). Insurance.

SEC. 53. For armory rent for State Militia for the years 1897 and 1898, seven thousand five hundred and sixty (\$7,560), to be expended under the direction of the State Board of Military Auditors. State militia.

SEC. 54. For cleaning and transportation of arms, postage, expressage, telegraphing, traveling expenses and contingent expenses of the State Militia and Adjutant-General, two hundred dollars (\$200). Expenses.

SEC. 55. For payment of deficiency in State Agricultural Society for the years 1895 and 1896, five hundred dollars (\$500). Agricultural Society.

SEC. 56. For salary of Secretary of State and ex officio Clerk of the Supreme Court as ex officio Reporter of Supreme Court Decisions, one thousand two hundred dollars (\$1,200). Reporting Supreme Court decisions.

SEC. 57. For the indexing and preparation of Nevada Reports for publication, seven hundred dollars (\$700). Nevada Reports.

CHAP. LXVIII.—*An Act relating to the duties, salaries and compensation of county and township officers in Storey county, Nevada.*

[Approved March 15, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. From and after the first Monday in January, A. D. eighteen hundred and ninety-nine, the following named officers within Storey county shall receive in full payment for all services rendered by them, the following salaries: The Sheriff, for services as Sheriff and ex officio Assessor, shall receive the sum of two thousand dollars a year. The Sheriff may appoint one Deputy Sheriff, who shall be Jailer and whose salary shall be fourteen hundred and forty dollars a year. The County Clerk and ex officio County Treasurer shall receive the sum of eighteen hundred dollars a year. The County Clerk and ex officio County Treasurer may appoint one Deputy for forty days in each year whose salary shall be four dollars a day for each day's actual service. The County Recorder, for services as County Recorder and ex officio County Auditor, shall receive the sum of fifteen hundred dollars a year. The District Attorney, for services as District Attorney and ex officio County Superintendent of Schools, shall receive the sum of fifteen hundred dollars a year. The County Commissioners shall each receive the sum of three hundred and sixty dollars a year for performing the duties imposed by law, Storey county officers, duties and salaries.

provided, that any County Commissioner elected prior to the passage of this Act and whose term of office extends beyond the first Monday of January, A. D. eighteen hundred and ninety-nine, shall receive the salary allowed by law when elected. The Justice of the Peace of Virginia Township shall receive the sum of nine hundred dollars a year and such fees in civil cases only as are now provided by law; *provided*, such Justice of the Peace shall have no claim against the county for services rendered in civil or criminal cases. The Constable of Virginia Township shall receive such fees as are allowed by law.

CHAP. LXIX.—*An Act to amend an Act, entitled "An Act to amend an Act entitled an Act authorizing a State loan," approved March 6, 1893, approved March 16, 1895.*

[Approved March 15, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act is hereby amended so as to read as follows:

State loan.

Section one. From and after the passage of this Act, for the purpose of keeping the State on a cash basis without resorting to an onerous rate of taxation, the sum of fifty-three thousand dollars is hereby authorized to be borrowed, for the use and benefit of the General Fund of the State, from the State School Fund, at such times, and in such amounts, as may be necessary to meet the requirements of the State Government, and the sum of twenty thousand dollars is hereby authorized to be borrowed, for the purpose of providing funds for the support and maintenance of the State University, without resorting to an onerous rate of taxation, from the State University Fund and the University Fund Ninety-Thousand Acre Grant, for the use and benefit of the Contingent University Fund and Interest Account Ninety-Thousand Acre Grant, at such times and in such amounts as may be necessary to meet the requirements of the State University.

CHAP. LXX.—*An Act fixing the salary of the Superintendent of Public Instruction.*

[Approved March 15, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Superintendent of
Public
Instruction.

SECTION 1. From and after the first Tuesday after the first Monday in January, eighteen hundred and ninety-nine, the salary of the Superintendent of Public Instruction shall be two thousand dollars (\$2,000) per annum, payable out of the Gen-

eral School Fund; and he shall receive no additional compensation for any ex officio duties that are now, or may hereafter be required of him by law.

CHAP. LXXI.—*An Act for the relief of A. T. Kramer.*

[Approved March 15, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of two hundred and fifty dollars is hereby appropriated out of any moneys in the General Fund of the State of Nevada not otherwise appropriated, for the relief of A. T. Kramer, who is suffering from a total loss of his eyesight superinduced by labor rendered to the State of Nevada in the year 1885. Relief of A. T. Kramer.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the said A. T. Kramer, for the sum of two hundred and fifty dollars and the State Treasurer is hereby directed to pay the same. State Controller to draw warrant.

CHAP. LXXII.—*An Act to provide for lighting the State Capitol Building and Grounds and other State property.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. For the purpose of providing lights for the State Capitol building and grounds, for the State Printing Office and for the Orphans' Home, the Board of Capitol Commissioners is hereby authorized to purchase and erect a gas machine, if upon investigation they deem it advisable. Lights for State institutions.

SEC. 2. The sum of fifteen hundred dollars is hereby appropriated out of any money in the General Fund not otherwise appropriated for the purpose of this Act. Amount appropriated.

CHAP. LXXIII.—*An Act to amend section one of an Act entitled "An Act to amend section twenty-one of an Act entitled 'An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto,' approved March 8, 1869 ;" approved March 13, 1895.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section one of said Act approved March 13, 1895, is hereby amended so as to read as follows:

Section one. Section twenty-one of said Act is hereby amended so as to read as follows:

Relating to
civil cases.

Section twenty-one. If the county designated for that purpose in the complaint be not the proper county, the action may, notwithstanding, be tried therein, unless the defendant before the time for answering expire demand in writing that the trial be had in the proper county, and the place of trial be thereupon changed by consent of parties, or by order of the Court, as is provided in this section. The Court may, on motion, change the place of trial in the following cases:

First—When the county designated in the complaint is not the proper county.

Second—When there is reason to believe that an impartial trial cannot be had therein.

Third—When the convenience of witnesses and the ends of justice would be promoted by the change.

Fourth—When from any cause the Judge is disqualified from acting in the action. When the place of trial is changed, all other proceedings shall be had in the county to which the place of trial is changed; unless otherwise provided by consent of the parties in writing duly filed, or by order of the Court, and the papers shall be filed, or transferred, accordingly.

CHAP. LXXIV.—*An Act to authorize the exchange of new court house bonds for the bonds now outstanding and unpaid by Nye county and to provide for the payment of the same.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Denomina-
tion of bonds.

SECTION 1. In order to provide for the payment of the outstanding bonds of Nye county, known as the "Court House Bonds" issued by the County Commissioners in the year eighteen hundred and eighty-one, the Board of County Commissioners of said county are hereby authorized and directed to cause to be prepared suitable bonds equal to the amount of said outstanding bonds; said bonds shall be of the denomination of five hundred (\$500) dollars, and each and every bond shall purport, in substance, that the County of Nye, State of Nevada, owes the holder thereof, the sum expressed therein bearing interest at the rate of eight per cent per annum from the first day of January, eighteen hundred and ninety-seven, to any period of time within sixteen years from the first day of January, eighteen hundred and ninety-seven; said bonds and interest shall be made payable in lawful money of the United States, and shall be signed by the Chairman of the Board of County Commissioners of said county, countersigned by the County Auditor, endorsed by the County Treasurer, and shall have the seal of the county annexed thereto.

How signed
and counter-
signed.

SEC. 2. Coupons for the interest shall be annexed to each

bond; said coupons shall be numbered consecutively and shall express the amount of interest due at the respective periods herein named, and shall be signed by the Chairman of the Board of County Commissioners and County Treasurer; said coupons shall be made payable at the office of the County Treasurer, commencing for the first year on the first Monday of January, eighteen hundred and ninety-eight, and annually thereafter until the whole amount of said coupons and bonds are paid. Upon payment of any of said coupons the County Treasurer shall cancel and deliver the same to the County Auditor to be by him filed in his office.

Coupons for interest, when and where payable.

SEC. 3. It shall be the duty of the Clerk of the Board of County Commissioners of Nye county, to keep a record of all such bonds as may be issued under the provisions of this Act, showing the number, date, amount and to whom issued.

Record of bonds.

SEC. 4. The Board of County Commissioners of the county of Nye, are hereby authorized to exchange said bonds, dollar for dollar, for the bonds now outstanding, on the surrender of the same by the holders thereof; the lowest numbers of the new bonds to be exchanged for the lowest numbers of the outstanding bonds, and thus on until the highest number is redeemed by the highest number of the new bonds.

Board of Examiners to exchange said bonds.

SEC. 5. After the exchange of the bonds herein provided for, it shall be the duty of the County Treasurer to set apart a fund for the purpose of paying the principal and interest of said bonds, as the same may become due, which fund shall be known as the Interest Fund, to create which, there shall be levied and collected in addition to the ordinary taxes for county purposes for the fiscal year, beginning January first, eighteen hundred and ninety-seven, and annually thereafter until the bonds issued under the provisions of this Act shall have been fully paid, both principal and interest, a special tax of thirty cents on each one hundred dollars of taxable property, including the tax on the net proceeds of the mines; said tax to be levied and collected at the same time and in the same manner as other revenues of said county. The funds derived from this tax shall be applied to the payment of interest accruing upon said bonds as herein provided; *provided*, that should a surplus remain in said Interest Fund after the payment of the annual interest, it shall be applied to the payment of the principal, as herein provided for.

Board of Examiners to levy tax to pay interest on bonds.

SEC. 6. If on the first Monday in January, eighteen hundred and ninety-eight, or whenever on the first Monday in January, annually thereafter, until the bonds issued under the provisions of this Act shall have been paid, there shall remain in said Interest Fund a surplus of five hundred dollars or more, after the payment of the annual interest, as in this Act provided, the County Treasurer of said county shall advertise in a newspaper published in Nye county, for the space of four weeks, for the surrender of so many of said bonds as the surplus amount of money in said Interest Fund will pay in their regular order as numbered, commencing with number one,

Treasurer to advertise.

and continuing the payments in that order, according to their number; and in the event that the holder or holders of the said bond or bonds, in order of payments, as above provided, shall fail to present his or their bonds for payment at the time and place mentioned in said advertisement, then the said bond or bonds so advertised, shall cease to bear interest from the time named in the advertisement for the payment of the same; *provided*, said Treasurer shall reserve in said Interest Fund an amount sufficient to pay the principal of the bond or bonds so advertised when presented for payment.

Expenses
incurred.

SEC. 7. All necessary expenses incurred by the Board of County Commissioners of said county, in carrying out and executing the provisions of this Act, shall be paid out of the Contingent Fund of said county.

CHAP. LXXV.—*An Act to amend section three of an Act entitled "An Act to create a Board of County Commissioners in the several counties of this State and to define their duties and powers," approved March 8, 1865.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Board of
Examiners,
duties and
powers of.

SECTION 1. Section three of said above entitled Act is hereby amended so as to read as follows:

Section three. The meetings of the Board of County Commissioners shall be held at the county seats of their respective counties on the first Mondays of January, April, July and October of each year, and shall continue from time to time until all the business before them is disposed of; *provided*, that in all counties containing a voting population of five hundred and thirty-five but less than five hundred and seventy-five to be determined by the vote cast therein for Representative in Congress at the general election in the year 1896, special meetings may be held at the county seat for the transaction of business pertaining to the county whenever such meeting shall be authorized by the Board by resolution duly adopted and entered upon its minutes at a regular meeting, the members attending such special meeting or meetings shall be entitled to the same mileage as is now provided by law to be paid them for attendance at regular meetings. The Board shall also meet on the tenth day after each general election to canvass election returns.

CHAP. LXXVI.—*An Act supplemental to an Act entitled "An Act relating to the State University and matters properly connected therewith," approved February 7, 1887, approved March 16, 1895.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section four of said Act is hereby amended so as to read as follows:

Section four. Sample assays for gold or silver shall be made, and when the value per ton exceeds five dollars in gold, the returns shall state the fact thus, "Test for gold." And when the value per ton exceeds five dollars in silver the returns shall state the fact thus, "Test for silver."

CHAP. LXXVII.—*An Act to amend an Act entitled "An Act to restore lost records," approved February 16, 1881.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Section one of said Act is hereby amended so as to read as follows:

Section one. In all cases where the records of any judgments, which said judgments have not expired by limitation, or other records of any court of either general or limited jurisdiction in this State, and all records of proceedings taken by, or in behalf of any alien to become a citizen of the United States in this State, have been lost or destroyed, the same may be restored and replaced, and become the records of said courts, in the manner prescribed in this Act.

SEC. 2. Section two of said Act is hereby amended so as to read as follows:

Section two. When any record of any Court in this State has been lost, destroyed, or defaced, so that its contents cannot be distinguished, the same may be restored by any party interested, by making and filing an affidavit in said Court whose records it is proposed to restore, and that said affidavit shall set forth the nature of the action, demand or claim upon which said lost, destroyed or defaced records was obtained, about the date of the entry of its loss or destruction as near as may be, and when the record sought to be restored is that of a judgment, the affidavit shall set forth the amount and character of the judgment as nearly as can be ascertained, and in all cases the affidavit shall set forth that the restoration of said record or records is necessary to secure the legal rights of the affiant, or of some other person, for whose benefit the record or records is sought to be restored.

SEC. 3. Section three of said Act is hereby amended so as to read as follows:

Court to
issue a
citation.

Section three. Upon making and filing of the said affidavits, the Court or the Judge thereof, shall thereupon issue a citation to all parties interested, notifying them to appear and show cause, why the record referred to in said case should not be restored; and that in said notice or citation shall be set forth, that the motion to restore said lost record is based upon affidavit on file in said Court, and if the hearing of said case is before the District Court, ten days notice shall be given to all parties interested, and if before a Justice Court not less than five nor more than ten days notice shall be required, *provided*, that in all cases of citizenship or naturalization no citation is required to issue.

CHAP. LXXVIII.—*An Act to reimburse the State Agricultural Society for loss sustained by fire.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Amount ap-
propriated.

SECTION 1. The sum of twelve hundred and thirty-three dollars and fifty cents is hereby appropriated out of any money in the General Fund of the State, not otherwise appropriated, to be paid to the State Agricultural Society for losses sustained by fire during the year eighteen hundred and ninety-five.

State
Controller
to draw
warrant.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the State Agricultural Society for the sum of twelve hundred and thirty-three dollars and fifty cents and the State Treasurer is hereby directed to pay the same.

CHAP. LXXIX.—*An Act fixing the rates for official advertising by the State of Nevada and the several counties of the State.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Relating to
advertising

SECTION 1. All advertising ordered or required by the State of Nevada, or by the respective counties of the State shall be paid for by the State or the county ordering or requiring the same at the rate of two dollars per square of ten lines non-pariel measurement for the first insertion and one dollar per square for each subsequent insertion; an insertion be held to be one publication per week whether the newspaper in which such advertising is ordered to be done be published daily or weekly; *provided*, that nothing herein contained shall pro-

hibit Boards of County Commissioners from entering into annual contracts for the entire official printing and advertising of their respective counties when in their judgment a saving of public funds will be effected thereby.

SEC. 2. All Acts and parts of Acts in conflict with this Act are hereby repealed.

SEC. 3. This Act shall take effect and be in force from and after the date of its passage. To take effect.

CHAP. LXXX.—*An Act to authorize the Trustees of School District No. 9 in the town of Yerington, Lyon county, Nevada, to issue bonds for school purposes.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of Trustees of School District Number Nine in the town of Yerington, Lyon county, Nevada, are hereby authorized to issue bonds for an amount not to exceed fifteen hundred dollars in United States gold coin, none of which shall run for a period longer than seven years from the date thereof. Board of School Trustees to issue bonds.

SEC. 2. Said bonds shall be issued for sums not less than one hundred dollars each, in gold coin, shall bear interest at a rate not exceeding six per cent per annum, payable annually; they shall be payable to bearer, and coupons for each installment of interest shall be attached to each bond. Denomination of bonds.

SEC. 3. The said Board of Trustees shall, when said bonds are disposed of, proceed with diligence to erect upon the land now owned by said School District No. 9, a suitable school building together with necessary and proper out-houses and appurtenances in accordance with the provisions of this Act, the cost of said building and other improvements not to exceed the sum of fifteen hundred dollars (\$1500). Board to erect building.

SEC. 4. The bond and coupons herein provided for shall be signed by the Chairman and Clerk of said Board of Trustees, and countersigned by the County Treasurer of said Lyon county. How signed and countersigned,

SEC. 5. All moneys received from the sale of said bonds shall be paid into the County Treasury, and the Treasurer is hereby required to receive, and safely keep the same in a fund to be known as the "School District Number Nine Building Fund," and to pay out the money only on warrants signed by the Chairman and Clerk of said Board of Trustees, and duly allowed by the Board of County Commissioners of said Lyon county. The County Treasurer shall be liable on his official bond, for the safe keeping of said moneys which shall come into his hands, and for the faithful discharge of his duties in relation thereto. Treasurer to receive and keep money from sale of bonds.

SEC. 6. For the purpose of providing for the payment of

Board of
Examiners to
levy tax to
pay interest
on bonds.

the interest upon said bonds, the Board of County Commissioners of said Lyon county, are hereby authorized and required, at the annual levy of taxes for State and county purposes, for the year of eighteen hundred and ninety-eight to levy upon the property of said school district such a tax as in their judgment will produce the amount of money necessary to pay the interest upon said bonds for the year one thousand eight hundred ninety-seven and one thousand eight hundred ninety-eight, and annually thereafter levy an amount sufficient to pay said interest for the ensuing year, upon said bonds as herein provided. The taxes so levied shall be assessed and collected in the same manner as the assessment and collection of other taxes; shall be paid into the County Treasury and kept by the Treasurer in a fund to be known as "School District Number Nine Interest Fund," and the money in said fund shall be disbursed by said Treasurer in payment of the interest upon said bonds as the same become due upon presentation and surrender by the holder of the coupons therefor.

To raise \$750
annually
to pay
principal.

SEC. 7. To provide for the payment of the bonds herein authorized to be issued, the said Board of County Commissioners shall, in the year nineteen hundred three and nineteen hundred four, at the time of levying taxes for State and county purposes, and in the same manner, levy a special and additional tax upon all the property situated within said School District Number Nine, sufficient in their judgment to raise the sum of seven hundred and fifty dollars, for each of said years, which shall be assessed and collected the same as other taxes, paid to the County Treasurer, and by him assigned to the General Fund of said county. At the maturity of said bonds, they shall be paid by County Treasurer out of the General Fund of the county, upon the presentation and surrender of said bonds. If the tax as aforesaid levied for the redemption bonds, should exceed the said sum of seven hundred and fifty dollars a year, whenever the aggregate amount of money so collected shall equal the full sum, necessary to redeem said bonds, the tax hereby authorized for such purpose, shall cease, and should there be any excess, over and above said sum of fifteen hundred dollars, the amount of such excess shall be transferred to the School Fund of said district. Should the amount of said tax, realized up to and including the year nineteen hundred and four be less than the amount necessary for the redemption of said bonds, they shall nevertheless, be redeemed and paid out of the said General Fund, as herein provided, and a special tax shall be levied by the County Commissioners upon all the property within said school district for the year nineteen hundred and five, sufficient to cover said deficiency, which tax shall be levied, assessed and collected in the usual manner, and paid into the General Fund of said county.

CHAP. LXXXI.—*An Act allowing the payment of taxes in equal semi-annual installments and regulating the collection of taxes on personal property.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Any person charged with taxes on real estate and personal property according to existing law, may, at his option, pay the full amount thereof on or before the first Monday in December of each year; but if he shall pay one-half of such taxes, as the same shall appear on the assessment roll taxed against him, on or before the first Monday in December of each year, then, in such case, the remaining half of said taxes shall not become delinquent prior to the first Monday in June next ensuing; but if such person shall fail to pay the first half of said taxes, as herein provided, then the entire tax shall become due and shall be collected, as now provided by law, and all taxes, of which the first half shall not be paid on or before the first Monday in December of each year, shall be subject to have added thereto a penalty of ten per cent, and all taxes of the preceding year which remain due and unpaid on the first Monday in June of each year shall be subject to, and there shall be added thereto a like penalty of ten per cent.

Sec. 2. Immediately after the first Monday in June of each year, the County Treasurer, and ex officio Tax Receiver, shall advertise the property upon which such delinquency has attached, and upon which such delinquent taxes are a lien for sale in all cases, and in the same manner, and for the same length of time as he is now required by law to advertise the same, and if the amount of such taxes and delinquency, exclusive of poll tax and penalties, exceed three hundred dollars, action shall be instituted to recover the same, as now provided by law; and if such delinquency amounts to only three hundred dollars or less, then the County Treasurer, as ex officio Tax Receiver, shall advertise and sell the said property for the amount of said delinquency and costs.

Sec. 3. It is hereby made the specific duty of all County Assessors, at the time of assessing personal property, to collect the entire amount of tax on such personal property, unless the owner thereof shall be the owner of real estate, situate within his county, sufficient, in the judgment of the County Assessor, to amply secure the payment of the entire tax on both such sale as might become a lien thereon, by reason of such taxes becoming delinquent.

Sec. 4. All Acts and parts of Acts in conflict with the provisions of this Act are repealed to the extent of such conflict.

Sec. 5. This Act shall take effect on January first, 1898.

Tax
payments.

Treasurer to
advertise.

Duty of
Assessor.

CHAP. LXXXII.—*An Act relating to the salary of the District Judge of the Fourth Judicial District of the State of Nevada.*

[Approved March 9, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

County ap-
portionment.

SECTION 1. Annually for the years eighteen hundred and ninety-seven and eighteen hundred and ninety-eight, the salary of the District Judge of the Fourth Judicial District of the State of Nevada, shall be paid by the counties comprising said District in the manner now provided by law in the following sums, viz: The county of Elko, twenty-eight hundred and twenty-three dollars; the county of White Pine, four hundred dollars; the county of Lincoln, seven hundred and seventy-seven dollars.

Salary of
District
Judge.

SEC. 2. On and after the first Monday in January, A. D. eighteen hundred and ninety-nine, the District Judge in and for the Fourth Judicial District of the State of Nevada, shall receive an annual salary of four thousand five hundred dollars, payable at the time and in the manner now provided by law.

County ap-
portionment.

SEC. 3. On and after said date, said salary shall be paid by the counties comprising said district, in the manner now provided by law, in the following sums, viz: The county of Elko, twenty-eight hundred and twenty-three dollars; the county of White Pine, six hundred and seventy-seven dollars; the county of Lincoln, one thousand dollars.

CHAP. LXXXIII.—*An Act for the relief of the Virginia and Truckee Railroad Company.*

[Approved March 10, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

Amount ap-
propriated.

SECTION 1. The sum of five hundred and eighty-one dollars (\$581) is hereby appropriated out of any moneys in the General Fund of the State, not otherwise appropriated, to be paid to the Virginia and Truckee Railroad Company, for transportation of the Militia from Reno and Virginia to Carson and return on the fifteenth day of April, A. D. 1896, in attendance upon the funeral of the late Governor John E. Jones.

State
Controller
to draw
warrant.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the Virginia and Truckee Railroad Company for the sum of five hundred and eighty-one dollars (\$581), and the State Treasurer is hereby directed to pay the same.

*Repealed
1905-231*

CHAP. LXXXIV.—*An Act to refund certain erroneous interest payments made on contracts for land in the State Land Office.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred and thirty-three dollars and eleven cents is hereby appropriated out of the State School Fund to refund certain moneys erroneously paid into the State Treasury on account of interest payments on contracts for land in the State Land Office. Amount appropriated.

SEC. 2. The State Controller is hereby directed to draw his warrants on the State Treasurer in favor of the following persons for amounts respectively as follows: James A. Hardin, \$26 40; Benjamin Darmert, \$2 40; Reinhold Sadler, \$86 40; Vincenzo Lani, \$17 91, and the State Treasurer is hereby directed to pay the same out of the appropriation made in section one of this Act. State Controller to draw warrant.
To whom appropriated.

CHAP. LXXXV.—*An Act to amend an Act entitled "An Act to promote the purity of elections by regulating the conduct thereof, and to support the privilege of free suffrage by prohibiting certain acts and practices in relation thereto, and providing for the punishment thereof," approved March 16, 1895.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section five of said Act is hereby amended to read as follows:

Section five. No sums of money, except the actual cost for transportation, board and lodging of candidates, shall be paid, nor indebtedness contracted, or expenses incurred, directly or indirectly, either before, during or after any election held within this State, on account of, or in respect to the conduct, management or in aid of such election, or of the election of any candidate or candidates to be voted for at such election, by or on behalf of the committee selected under the provisions of section one (1) of this Act, and hereby designated as the "Auditing and Disbursing Committee," or on behalf of the political party, organization, or other superior authority to which such committee is subject, or by or in behalf of any candidate or candidates *except* for the following purposes, to-wit:

1. Expenses of holding public meetings for the purpose of ratification, or for the discussion of public questions relating to such election.

2. Advertising, printing and circulating hand-bills, posters, cards, and other papers and publications pertaining to the questions at issue at such election.

3. Telegraphing, telephoning, postage, expressage, freights and fares.

4. Supervising the registration of voters, and watching the polling and counting of votes cast at such election.

5. Salaries and wages of committees and persons employed in transacting business at the office, rooms or headquarters of such political party or organization, or of the committees or candidate or candidates, and for the rent and necessary expenses of maintaining such office, rooms or headquarters.

6. Actual necessary traveling expenses and board and lodging of speakers, committees, delegates, and business agents, while canvassing the State or county, or transacting business for or in behalf of such political party or organization.

7. Necessary expenses incidental to any or all of the foregoing specified items of lawful expenditures.

Amount
of lawful
expenditures.

The total amount of all such lawful expenditures to be so paid and disbursed, at or in respect to any election, or the election of any candidate or candidates, by any such Auditing and Disbursing Committee acting for and in behalf of a State political organization shall not exceed \$1000; if expended by a committee acting for and in behalf of a county organization, at such election, and for the election of county and township officers, \$600; if expended by a committee acting for and in behalf of a municipal organization, at a municipal election, or for an election other than for electing officers, \$100.

In addition to the foregoing amounts, allowed to be so expended by such Auditing and Disbursing Committees, each candidate to be voted for at such election, may, for and in his own behalf, expend and disburse for any such foregoing specified lawful expenditures, and for no other, *except* as otherwise provided in this Act, in furtherance of such election and of his own election, the sums following: Candidates for Presidential electors, Congressmen, State and district offices, when such district comprises two or more counties, \$250; candidates for county offices, \$100; for township offices, \$50; candidates for municipal offices, \$25; for Public School Trustees, \$5.

Such expenditures so allowed by each candidate may be in excess of any sums donated by such candidate towards defraying the expenses of holding the convention or assemblage nominating him, and any assessment or donation given to the business or central committee of the party or parties or organizations of which he shall be a nominee; *provided*, that such donations, in total, shall not exceed four (4) per cent of an amount equal to the salary or probable compensation for one year of the office for which he is a candidate; and if such office has no salary, fees, per diem or other compensation, any sum not exceeding \$100 for Presidential electors or State officers; and \$25 for county and municipal offices, and \$5 for Public School Trustee.

CHAP. LXXXVI.—*An Act to provide for the payment of certain claims against the State of Nevada for advertising State selections, within six miles of a mineral claim.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of six hundred and forty dollars and twenty-five cents is hereby appropriated out of the State School Fund for the payment of claims against the State of Nevada for advertising State selections (as required by the Commissioner of the General Land Office) within six miles of a mineral claim, as specified in section two of this Act. Amount appropriated.

SEC. 2. The State Controller is hereby directed to draw his warrants in favor of the following claimants and in the following amounts, to wit: Nevada State Journal, \$34 50; Virginia Evening Chronicle, \$51 75; Elko Independent, \$109 25; Carson Appeal, \$51 75; Walker Lake Bulletin, \$46; Lyon County Times, \$57 50; Silver State, \$20; White Pine News, \$124; Pioche Record, \$34 50; Central Nevadan, \$16; Elko Free Press, \$26; Reese River Reveille, \$69; and the State Treasurer is hereby directed to pay the same out of the appropriation made in section one of this Act. To whom appropriated.

CHAP. LXXXVII.—*An Act fixing the salaries and compensations and defining the duties of certain county officers in Washoe county, and other matters relating thereto.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The County Clerk of Washoe county, Nevada, for all services rendered as such Clerk and for all ex officio services by him rendered, except as City Clerk of the city of Reno, shall receive a salary of six hundred dollars per annum and shall be allowed to retain all fees in civil cases now allowed said Clerk by law; *provided*, that said Clerk shall not charge nor collect any fees for services by him rendered to the State of Nevada, or to Washoe county, or to the city of Reno. Salary of County Clerk of Washoe county.

SEC. 2. The District Attorney and ex officio Superintendent of the Public Schools of Washoe county shall receive twelve hundred dollars per annum for his services as District Attorney, payable out of the County Salary Fund, and three hundred dollars per annum for his services as Superintendent of the Public Schools, payable out of the County School Fund. District Attorney.

SEC. 3. The County Commissioners of Washoe county shall each receive four hundred dollars per annum. County Commissioners.

SEC. 4. This Act shall take effect on and after the first Monday in January, A. D. 1899. Takes effect.

CHAP. LXXXVIII.—*An Act to provide for the election of School Trustees and matters properly connected therewith.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

School
Trustees,
when
elected.

SECTION 1. An election of School Trustees shall be held in each School District in the State on the fourth Monday in May, 1898, and every two years thereafter, and at such elections two Trustees shall be elected, one to serve two years and one to serve four years. The Trustees so elected shall take their office on the first Monday in July next succeeding their election.

Vacancies.

SEC. 2. In all cases where Trustees are not elected as provided in this Act or whenever vacancies occur, the Superintendent of Public Schools shall fill such vacancies by appointment.

Election
officers
appointed.

SEC. 3. All judges and inspectors of election and such other officers as may be necessary, shall be appointed by the School Trustees in each district. If the Trustees fail to appoint the election officers or if they are not present at the time of opening the polls, the electors present may appoint them. All such officers shall serve without compensation.

Certificates
of election.

SEC. 4. The Election Board shall issue certificates of election to those receiving the greatest number of votes cast in accordance with the provisions of this Act.

Notices to be
posted.

SEC. 5. Not less than ten days before the election held under the provisions of this Act, the Trustees in each district shall post notices in three public places in the district, which notice shall specify that there will be an election held at the school house of such district and the hours between which the polls will be kept open. If the Trustees of any district shall have failed to post the notices as required by this section, then any three electors of the district may, within five days of the day of election, give notice of such election, which notices shall be sufficient for the election required by this Act, and in such case no registration shall be necessary, but all the other provisions of this Act shall be enforced.

Qualification
for voting.

SEC. 6. No person shall be allowed to vote at any school election unless he is a resident of the district and his name appears upon the official registry list of the voting precinct or precincts including the district, for the last preceding general election; *provided*, that any citizen of the United States who shall have resided in this State six months, and in the school district thirty days next preceding the day of election and whose name is not upon the said official registry list, may apply to the Clerk of the Board of School Trustees, or to a person authorized by the Trustees of the District to act as registry agent, not more than eight nor less than five days prior to the day of election, to have his name registered.

SEC. 7. It shall be the duty of the Clerk of the Board of School Trustees, or the person appointed by the Board of

School Trustees, as the case may be, to register any qualified voter of the school district who may apply to be registered under the provisions of the preceding section; *provided*, that if the person applying to be registered be unknown to the registry agent, or his qualifications for voting be unknown, he shall, before having his name registered, be required to subscribe to the following oath: You do solemnly swear that you are a citizen of the United States; that you are twenty-one years of age; that you will have resided in the State six months and in this school district thirty days next preceding the day of the school election. False swearing under the provisions of this section shall be deemed perjury and punished as now provided by law.

Relating to
registration.

Form of
oath.

SEC. 8. No person shall be entitled to vote under the provisions of this Act except he be registered as herein provided. The Board of School Trustees shall prepare or cause to be prepared a list of the names of all persons entitled to vote at the school election as herein provided, which said list shall be completed at least three days prior to the day of election and shall be under the charge of the Clerk of the Board of School Trustees and subject to the inspection of any qualified voter in the district.

List of
voters.

SEC. 9. The Board of School Trustees in all school districts having a voting population of fifty or more, are authorized to employ a competent person to prepare said list of qualified voters and to pay for the work out of the school fund of the district, in [a] manner as other claims against the district are allowed and paid, a reasonable sum, not exceeding five cents a name for each qualified voter, providing, that the total amount to be allowed shall not exceed twenty dollars. The list so prepared shall be sworn to by the person making the same as correct according to his best knowledge, information and belief.

List of
voters to be
prepared.

Compensation
allowed.

SEC. 10. The list of qualified voters, as hereinbefore described, shall be delivered to the Inspectors of Election prior to the time of opening the polls on the day of election, and no person shall be entitled to vote at the election whose name is not on said list, *provided*, that any person whose name is left off said list by mistake, design, accident or otherwise, may have his name placed thereon by the Inspectors of Election upon satisfactory proofs being presented of his having previously been registered in accordance with the provisions of this Act.

List delivered
to Inspectors
of Election.

SEC. 11. The voting shall be by ballot, either written or printed and when two or more trustees are to be elected for different terms, the ballot shall designate such term as "long term" and "short term" respectively.

Voting shall
be by ballot.

SEC. 12. In all School Districts having a voting population of one hundred or over, the Board of School Trustees shall have printed ballots of uniform size containing the names, in alphabetical order, of all persons candidates for the office of School Trustee. There shall be twice as many ballots printed as there are voters in the district, and no ballots other than

Ballots, what
to contain.

Number of
ballots.

those furnished by the Board of School Trustees shall be voted.

How to vote. SEC. 13. A person desiring to vote shall, if his name be upon the registry list as herein provided, receive from the Board of Election or some member thereof, and from no other person, a ballot upon which he shall designate his choice for Trustee or Trustees to be elected in the district, by placing a cross thus: X opposite and to the right of the name of the person for whom he intends to vote.

Ballot can contain. SEC. 14. There shall be placed upon the ballots, in addition to the names of the candidates such information as the Board of Trustees may deem necessary to inform the voter how to mark his ballot, such as: "Place a cross thus: X opposite and to the right of the name of the candidate for whom you wish to vote," "vote for one," "vote for two," etc.

Allowed at polls. SEC. 15. No person other than the Board of Election or a police officer in the discharge of his duty, shall be allowed within one hundred feet of the polls, except when actually engaged in voting or in going to or from the polls for the purpose of voting or of challenging the vote of another, and excepting all persons in attendance upon any school which may be in session in the building. No person shall show his ballot to another while marking it or after marking it so as to disclose for whom he has voted, but he shall as soon as possible after marking it fold it so that the marking will be on the inside and return it to the Board of Election to be counted.

Misdemeanor Willful violation of any of the provisions of this section shall constitute a misdemeanor, punishable by fine not exceeding fifty dollars or imprisonment in the County Jail not exceeding twenty-five days or by both such fine and imprisonment.

Assistance allowed. SEC. 16. No person shall receive assistance in marking his ballot unless physically unable to mark it and then only by permission of the Board of Election. A voter spoiling his ballot may procure another by delivering the spoiled ballot to the Board of Election.

Challenges. SEC. 17. Any registered person offering to vote may be challenged by any elector of the district, and the Judges of Election must thereupon administer to the person challenged an oath in substance as follows: You do swear that you are a citizen of the United States; that you are twenty-one years of age; that you have resided in this State six months and in this school district thirty days next preceding this election, and that you have not voted before this day. If he takes the oath prescribed in this section his vote shall be received, otherwise his vote must be rejected. Illegally voting under the provisions of this Act shall be punished the same as the law now provides for punishing offenses of this character.

Penalty. SEC. 18. In school districts having a voting population of one hundred or over, candidates for the office of School Trustee shall, not later than five days before the day of election, have their names filed with the Clerk of the Board of School Trustees with the designation of the term of office for which they are candidates and no names shall be placed upon the ballots unless filed within the time herein provided.

Candidates to file their names.

SEC. 19. The Board of Election shall keep a poll list and tally sheet, which, together with the registry list and all ballots cast, shall be delivered to the County Clerk upon the count being completed, and such returns shall be kept as the law now provides for keeping returns of general elections.

Duty of Board of Election upon completion of count.

SEC. 20. All Acts in conflict with this Act, and all parts of Acts in so far as they conflict with the provisions of this Act, are hereby repealed.

CHAP. LXXXIX.—*An Act relating to the location, relocation, manner of recording lode and placer claims, mill sites, tunnel rights, amount of work necessary to hold possession of mining claims and the rights of co-owners therein.*

[Approved March 16, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any person, a citizen of the United States, or one who has declared his intention to become such, who discovers a vein or lode may locate a claim upon such vein or lode by defining the boundaries of the claim in the manner hereinafter described, and by posting a notice of such location at the point of discovery, which notice must contain: First—The name of the lode or claim. Second—The name of the locator or locators. Third—The date of the location. Fourth—The number of linear feet claimed in length along the course of the vein, each way from the point of discovery, with the width on each side of the center of the vein, and the general course of the vein or lode as near as may be.

How to locate.

SEC. 2. Before the expiration of ninety days from the posting of such notice upon the claim the locator must sink a discovery shaft upon the claim located to the depth of at least ten feet from the lowest part of the rim of such shaft at the surface, or deeper if necessary to show by such work a lode deposit of mineral in place. A cut, or crosscut, or tunnel which cuts the lode at a depth of ten feet, or an open cut of at least ten feet in length along the lode from the point where the lode may be in any manner discovered, is equivalent to a discovery shaft. The locator must define the boundaries of his claim by marking a tree or rock in place, or by setting a post or stone, one at each corner and one at the center of each side line. When a post is used it must be at least four inches square, by four feet six inches in length, set one foot in the ground, with a mound of stone or earth four feet in diameter by two feet in height around the post. When it is practically impossible on account of bedrock or precipitous ground to sink such posts, they may be placed in a pile of stones; or where the proper placing of such posts or monuments of stone is impracticable or dangerous to life or limb, it shall be lawful to place such post or monument of stone at the nearest point, properly marked to designate its right place. When a stone

Work to be done.

Boundaries, how defined.

is used, not a rock in place, it must be at least six inches square and eighteen inches in length, set two-thirds of its length in the ground, which trees, stakes or monuments must be so marked as to designate the corners of the claim located.

Relating to
recording.

Sec. 3. Within ninety days of the date of posting the location notice upon the claim the locator shall record his claim with the mining district recorder and the county recorder of the mining district or county in which such claim is situated by a location certificate which must contain: 1st, the name of the lode or vein; 2nd, the name of the locator or locators; 3rd, the date of the location and such description of the location of said claim, with reference to some natural object or permanent monument, as will identify the claim; 4th, the number of linear feet claimed in length along the course of the vein each way from the point of discovery, with a width on each side of the center of the vein, and the general course of the lode or vein as near as may be; 5th, the dimensions and location of the discovery shaft, or its equivalent, sunk upon the claim; 6th, the location and description of each corner, with the markings thereon. Any record of the location of a lode mining claim which shall not contain all the requirements named in this section shall be void. All records of lode or placer mining claims, mill sites or tunnel rights heretofore made by any recorder of any mining district or any county recorder are hereby declared to be valid and to have the same force and effect as records made in pursuance of the provisions of this Act. And any such record, or a copy thereof, duly verified by a mining recorder or duly certified by a county recorder shall be *prima facie* evidence of the facts therein stated.

Location
includes.

Sec. 4. The location or record of any vein or lode claim shall be construed to include all surface ground within the surface lines thereof, and all lodes and ledges throughout their entire depth, the top or apex of which lies inside of such lines extended downward, vertically with all parts of such lodes or veins as continue to dip beyond the side lines of the claim, but shall not include any portion of such lodes, veins, or ledges beyond the end lines of the claim, or the end lines continued, whether by dip or otherwise, or beyond the side lines in any other manner than by the dip of the lode.

End lines.

Sec. 5. If the top or apex of the lode in its longitudinal course extends beyond the exterior lines of the claim at any point on the surface, or as extended vertically downward, such lode may not be followed in its longitudinal course where it is intersected by the exterior lines.

Relocation
in case of
defective
certificate.

Sec. 6. If at any time the locator of any mining claim heretofore or hereafter located, or his assigns, shall apprehend that his original certificate was defective, erroneous, or that the requirements of the law had not been complied with before filing; or shall be desirous of changing his surface boundaries or of taking in any part of an overlapping claim which has been abandoned; or in case the original certificate was made prior to the passage of this law, and he shall be desirous of securing the benefits of this Act, such locator or his assigns

may file an additional certificate, subject to the provisions of this Act; *provided*, that such relocation does not interfere with the existing rights of others at the time of such relocation, and no such relocation or the record thereof shall preclude the claimant or claimants from proving any such titles as he or they may have held under previous location. Proviso.

SEC. 7. The relocation of abandoned lode claims shall be by sinking a new discovery shaft and fixing new boundaries in the same manner as if it were the location of a new claim; or the relocater may sink the original discovery shaft ten feet deeper than it was at the time of abandonment, in which case the record must give the depth and dimensions of the original discovery shaft at the date of such relocation, and erect new or adopt the old boundaries, renewing the posts or monuments if removed or destroyed. In either case a new location stake shall be erected. In any case, whether the whole or part of an abandoned claim is taken the record may state that the whole or any part of the new location is located as abandoned property. If it is not known to the relocater that his location is on an abandoned claim, then the provisions of this section do not apply. Work to be done on relocation.

SEC. 8. Where a locator, or his assigns, has the boundaries and corners of his claim established by a United States deputy mineral surveyor, or a licensed surveyor of this State, and his claim connected with a corner of the public or minor surveys of an established initial point, and incorporates into the record of the claim the field notes of such survey, and attaches to and files with such location certificate a certificate of the surveyor, setting forth: First, that said survey was actually made by him, giving the date thereof; second, the name of the claim surveyed and the location thereof; third, that the description incorporated in the declaratory statement is sufficient to identify. Such survey and certificate becomes a part of the record, and such record is *prima facie* evidence of the facts therein contained. Survey and certificate of surveyor becomes part of record.

SEC. 9. The amount of work done or improvements made during each year to hold possession of a mining claim shall be that prescribed by the laws of the United States, to wit: One hundred dollars annually. In estimating the worth of labor required to be performed upon any mining claim, to hold the same under the laws of the United States, the value of a day's labor is hereby fixed at the sum of four dollars; *provided, however*, that in the sense of this statute eight hours of labor actually performed upon the mining claim shall constitute a day's labor. Amount of work to hold possession.

SEC. 10. Within sixty days after the performance of labor or making of improvements, required by law to be annually performed or made upon any mining claim, the person in whose behalf such labor was performed, or improvements made, or someone in his behalf shall make and have recorded by the mining district recorder or the County Recorder in books kept for that purpose in the mining district or county in which such Affidavit of work performed.

mining claim is situated, an affidavit setting forth the amount of money expended, or value of labor or improvements made, or both, the character of expenditures or labor or improvements, a description of the claim or part of the claim affected by such expenditures, or labor or improvements, for what year, and the name of the owner or claimant of said claim at whose expense the same was made or performed. Such affidavit, or a copy thereof, duly certified by the County Recorder, shall be *prima facie* evidence of the performance of such labor or the making of such improvements, or both.

Notice to a delinquent.

SEC. 11. Whenever a co-owner or co-owners shall give to a delinquent co-owner or co-owners the notice in writing or notice by publication provided for in section 2324, Revised Statutes of the United States, an affidavit of the person giving such notice, stating the time, place, manner of service, and by whom and upon whom such service was made, shall be attached to a true copy of such notice, and such notice and affidavit must be recorded by the mining district recorder or the County Recorder, in books kept for that purpose, in the mining district or county in which the mining claim is situated; within ninety days after the giving of such notice, or if such notice is given by publication in a newspaper, there shall be attached to a printed copy of such notice an affidavit of the printer or his foreman or principal clerk of such paper, stating the date of the first, last and each insertion of such notice therein, and when and where the newspaper was published during that time, and the name of such newspaper. Such affidavit and notice shall be recorded as aforesaid within one hundred and eighty days after the first publication thereof. The original of such notice and affidavits, or a duly certified copy of the record thereof, shall be evidence that the delinquent mentioned in section 2324 has failed or refused to contribute his proportion of the expenditure required by that section and of the service or publication of said notice; *provided*, the writing or affidavit hereinafter provided for is not of record. If such delinquent shall, within the ninety days required by section 2324 aforesaid, contribute to his co-owner or co-owners his proportion of such expenditures, such co-owner or co-owners shall sign and deliver to the delinquent or delinquents a writing, stating that the delinquent or delinquents by name, has within the time required by section 2324 of the Revised Statutes of the United States contributed his share for the year —, upon the — mine, and further stating therein the district, county and state where the same is situate and the book and page where the location notice is recorded; such writing shall be recorded in the office of the County Recorder of said county. If such co-owner or co-owners shall fail to sign and deliver such writing to the delinquent or delinquents within twenty days after such contribution, the co-owner or co-owners so failing as aforesaid shall be liable to a penalty of one hundred dollars, to be recovered by any person for the use of the delinquent or delinquents in any court of competent jurisdiction. If such co-owner or co-owners fail to deliver such writing within said

Proviso.

Penalty.

twenty days, then the delinquent with two disinterested persons having personal knowledge of such contribution, may make affidavit setting forth in what manner, the amount of, to whom and upon what mine, such contribution was made. Such affidavit, or a record thereof in the office of the County Recorder of the county in which said mine is situate, shall be *prima facie* evidence of such contribution.

SEC. 12. No notice of location of a lode claim shall claim more than one location, whether the location be made by one or several persons. And if such notice purport to claim more than one location it shall be absolutely void, except as to the first location therein described. And if they are described together, or so that it cannot be told which location is first described, the notice of location shall be void as to all.

Notice of location of lode claim void.

SEC. 13. The locator of a placer claim shall locate his claim in the following manner: First—By posting a notice of location thereon containing the name of the claim, the name of the locator or locators, the date of location and the number of feet or acres claimed. Second—By marking the boundaries of his claim with a post, tree or rock in place, or by setting a post or stone, one at each angle of the claim located. When a post is used it must be at least four inches square by four feet six inches in length, set one foot in the ground, with a mound of stone or earth four feet in diameter, by two feet in height around the post. Where it is practically impossible on account of bedrock or precipitous ground to sink such posts, they may be placed in a pile of stones. When a stone is used not rock in place, it must be at least six inches square and eighteen in length, set two-thirds of its length in the ground, which tree, stake or monument must be so marked as to designate the corner of the claim located; *provided*, that if the United States survey has been extended over said land then the claim may be taken by legal subdivision, and no other monument, except that upon which the location notice is posted, shall be required than the United States corners.

Location of placer claim.

SEC. 14. The locator of any placer claim shall, within sixty days from the date of the location of such claim have the same recorded by the mining district recorder and the County Recorder, in books kept for that purpose, in the mining district or county in which such claim is situated, which record must contain: First, the name of the claim, designating it as a placer claim; second, the name of the locator or locators; third, the date of such location; fourth, the number of feet or acres thus claimed; fifth, a description of the claim, with reference to some natural object or permanent monument as will identify the claim. Any record of the location of a placer mining claim which shall not contain all the requirements of this section shall be void.

Relating to location.

SEC. 15. The proprietor of a vein or lode claim or mine, or the owner of a quartz mill or reduction works, may locate five acres of non-mineral land as a mill site.

Mill site.

SEC. 16. The locator of a mill site location shall locate his claim by posting a notice of location thereon, which must con-

Notice to
contain.

tain: 1st, the name of the locator or locators; 2nd, the name of the vein or lode claim, or mine, of which he is the proprietor, or the name of the quartz mill or reduction works of which he is the owner; 3rd, the date of the location; 4th, the number of feet or acres claimed; 5th, a description of the claim by such reference to a natural object or permanent monument as shall identify the claim or mill site. And by marking the boundaries of his claim in the same manner as provided in this Act for the marking of the boundaries of a placer mining claim, so far as the same may be applicable thereto.

Locator
shall record.

SEC. 17. The locator of a mill site claim or location shall within thirty days from the date of his location record his location with the mining district recorder and the County Recorder of the district or county in which such location is situated, by a location certificate which must be similar in all respects to the one posted on the location.

When
location is
void.

SEC. 18. Any record of a mill site location which shall not contain the name of the locator or locators, the name of the vein or lode claim or mine of which the locator is the proprietor, or the name of the quartz mill or reduction works of which the locator is the owner, the number of feet or acres claimed, and such description as shall identify the claim with reasonable certainty, shall be void.

Notice to
contain.

SEC. 19. The locator of a tunnel right or location shall locate his tunnel right or location by posting a notice of location at the face or point of commencement of the tunnel which must contain: 1st. The name of the locator or locators. 2nd. The date of the location. 3rd. The proposed course or direction of the tunnel. 4th. The height and width thereof. 5th. The position and character of the boundary monuments. 6th. A description of the tunnel by such reference to a natural object or permanent monument as shall identify the claim or tunnel right.

Boundary
lines.

SEC. 20. The boundary lines of the tunnel shall be established by stakes or monuments placed along such lines at an interval of not more than three hundred feet from the face or point of commencement of the tunnel to the terminus of three thousand feet therefrom. The stakes or monuments shall be of the same size and character as those provided for lode or placer claims in this Act.

Locator
shall record.

SEC. 21. The locator of a tunnel right or location shall within sixty days from the date of the location record his location with the mining district recorder and the County Recorder of the county or district in which such location is situated, which must be similar in all respects to the one posted on the location. Any record of a tunnel right or location which shall not contain all the requirements named in this section shall be void.

Relating to
blind lodes or
veins.

SEC. 22. All blind lodes, or veins or lodes not previously known to exist, discovered in a tunnel run for the development of a vein or lode, or for the discovery of mines, and within three thousand feet from the face of such tunnel, shall

be located upon the surface and held in like manner as other lode claims under the provisions of this Act.

SEC. 23. The provisions of this Act shall be construed as equally applicable to all classes of locations except where the requirement as to any one class is manifestly inapplicable to any other class or classes. Provisions of this Act applicable.

SEC. 24. All Acts or parts of Acts in conflict with this Act are hereby repealed.

CHAP. XC.—*An Act for the relief of R. Foote.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of four hundred and one dollars (\$401) is hereby appropriated out of any money in the General Fund of the State not otherwise appropriated, for the relief of R. Foote, for money advanced in aid of Nevada Exhibit at the Midwinter Fair. R. Foote, relief of.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of R. Foote for the amount specified in section one of this Act, and the State Treasurer is hereby directed to pay the same. Controller to draw warrant.

CHAP. XCI.—*An Act for the relief of J. D. Ernst.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of one hundred dollars (\$100) is hereby appropriated out of any money in the General Fund of the State, not otherwise appropriated, for the relief of J. D. Ernst for clerical services, performed at the Midwinter Fair, in connection with the Nevada Exhibit. J. D. Ernst, relief of.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of J. D. Ernst for the amount specified in section one of this Act, and the State Treasurer is hereby directed to pay the same. Controller to draw warrant.

CHAP. XCII.—*An Act for the relief of Mahoney Brothers.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The sum of fifty dollars (\$50) is hereby appropriated out of any money in the General Fund of the State,

Mahoney
Brothers,
relief of.

not otherwise appropriated, for the relief of Mahoney Brothers, for money advanced in aid of the Nevada Exhibit at the Midwinter Fair.

Controller
to draw
warrant.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of Mahoney Brothers, for the amount specified in section one of this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. XCIII.—*An Act for the relief of Douglas county.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Douglas
county,
relief of.

SECTION 1. The sum of one hundred and eighty dollars and eighty-three cents (\$180 83) is hereby appropriated out of any money in the General Fund of the State, not otherwise appropriated for the relief of Douglas county for money advanced in aid of the Nevada Exhibit at the Midwinter Fair.

Controller
to draw
warrant.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of Douglas county for the amount specified in section one of this Act, and the State Treasurer is hereby directed to pay the same.

CHAP. XCIV.—*An Act to submit the question, Shall Storey, Ormsby Lyon and Douglass counties be consolidated ? to the electors of Storey, Ormsby, Lyon and Douglass, at the general election of 1898 and to provide for the canvass and the certification of the vote therein.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Question to
be submitted.

SECTION 1. Not less than twenty-five days before the General Election to be held A. D. 1898, the Secretary of State shall certify to the County Clerks of Storey, Ormsby, Lyon and Douglass counties, the following question to be submitted to the electors of Storey, Ormsby, Lyon and Douglass counties, at the said general election, to-wit: Shall Storey, Ormsby, Lyon and Douglass be consolidated into one county? And if a majority of the voters of any county mentioned in this Act shall be opposed to such consolidation then such county shall not be included in such consolidation.

When
and how
submitted.

SEC. 2. Said question shall be submitted to the electors of Storey, Ormsby, Lyon and Douglass at the General Election to be held A. D. 1898, in manner and form complying with the requirements and the provisions of an Act relating to elections and to more fully secure the secrecy of the ballot, approved

March 13, 1891, and of the various Acts supplementary thereto and amendatory thereof.

SEC. 3. The vote upon the said question shall be canvassed by the same authority and in the same manner as the vote for the State officers is canvassed and the Secretary of State shall within five days after the convening of the Nineteenth Session of the Legislature of the State of Nevada, certify and transmit to each branch thereof the result of the official canvass of the vote upon the said question. Vote, how canvassed.

CHAP. XCV.—*An Act concerning the liabilities of proprietors and keepers of saloons and gambling houses.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Any proprietor or keeper of a saloon, gambling house or resort where liquors are sold, who shall sell or give to any minor any spirituous or malt liquors, or who shall permit any minor to engage in any game in his saloon, gambling house or resort where liquors are sold, or who shall permit any minor to lounge or remain therein, shall be liable to the parent or guardian of such minor in damages, which may be collected by a civil action in a sum not less than fifty nor more than one thousand dollars. Prohibited.
Damages.

CHAP. XCVI.—*An Act to amend section four hundred and ninety-six of an Act entitled "An Act to regulate proceedings in civil cases in the Courts of Justice of this State, and to repeal all other Acts in relation thereto," approved March 8, 1869.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. Section four hundred and ninety-six of said Act is hereby amended so as to read as follows:

Section four hundred and ninety-six. The service may be personal, by delivery to the party or his attorney, on whom the service is required to be made, or it may be as follows: First—If upon an attorney, it may be made during his absence from his office, by leaving the notice or other papers with his clerk therein, or with a person having charge thereof; or when there is no person in the office, by leaving them, between the hours of eight in the morning and six in the afternoon, in a conspicuous place in the office; or if it be not open, so as to admit of such service, then by leaving them at the attorney's residence, with some person of suitable age and discretion; and if his residence be not known, then by putting the same, Relating to civil cases.

Relating to
civil cases.

inclosed in an envelope, into the postoffice, directed to such attorney. Second—If upon a party, it may be made by leaving the notice or other paper at his residence, between the hours of eight in the morning and six in the evening, with some person of suitable age and discretion, and if his residence be not known, by putting the same, inclosed in an envelope, into the postoffice, directed to such party; *provided*, however, that in all cases where the party on whom the service is to be made has no office, or does not reside at the county seat where the action or proceeding is pending, the service may be made by filing the papers or notice to be served in the County Clerk's office and the service shall be deemed complete at the expiration of ten days from the date of such filing.

CHAP. XCVII.—*An Act to submit the question "Shall the County of Lincoln be divided?" to the electors of Lincoln county at the general election of 1898 and to provide for the canvass and certification of the vote thereon.*

[Approved March 19, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Question to
be submitted.

SECTION 1. The County Clerk of the County of Lincoln, in this State, in preparing the ballots in said county to be voted at the general election to be held A. D. 1898, shall place thereon the following question to be submitted to the electors of said Lincoln county at the said general election, to wit: "Shall the County of Lincoln be divided?"

When
and how
submitted.

SEC. 2. Said question shall be submitted to the electors of said Lincoln county at the general election to be held A. D. 1898 in manner and form complying with the requirements and the provisions of an Act relating to elections and to more fully secure the secrecy of the ballot, approved March 13, 1891, and of the various Acts supplementary thereto and amendatory thereof.

Vote, how
canvassed.

SEC. 3. The vote upon the said question shall be canvassed by the same authority and in the same manner as the vote for State officers is canvassed, and the Secretary of State shall, within five days after the convening of the Nineteenth Session of the Legislature of the State of Nevada, certify and transmit to each branch thereof the result of the official canvass of the vote upon the said question.

CHAP. XCVIII.—*An Act for the relief of Battery "A" Band.*

[Approved March 20, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The sum of seventy-five (\$75) dollars is hereby

appropriated out of any moneys in the General Fund of the State, not otherwise appropriated, to be paid to the Battery A Band, for services at the funeral of the late Governor John E. Jones.

Battery A
band,
relief of.

SEC. 2. The State Controller is hereby directed to draw his warrant in favor of the Battery A Band for the sum of seventy-five (\$75) dollars and the State Treasurer is hereby directed to pay the same.

Controller
to draw
warrant.

CHAP. XCIX.—*An Act concerning the election of town and city officers in this State and matters properly connected therewith.*

[Approved March 22, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Registry Agents of every voting precinct in this State, containing within its limits a town or city, the boundaries of which are described by metes and bounds, shall register all voters, residents of said town or city, separately from the voters who reside within the said voting precinct but without the limits of said town or city, or he shall designate after the name of each voter whether he is a resident within or without said town or city, *provided* that when there are no officers to be elected exclusively for said town or city such separate registration shall not be required.

Duties of
Registry
Agents.

SEC. 2. The Registry Agents, in preparing the official register for any voting precinct as described in section one of this Act for the use of election officers, of the precinct and the wards thereof, if any there be, shall designate after the name of each voter, or in some other appropriate and intelligible manner, the residence of the voter, whether within or without the limits of the town or city, so that the election officers can readily determine whether or not voters are qualified to vote for town or city officers, if any such are to be elected.

Residence to
be designated

SEC. 3. The County Clerk shall cause to be placed upon the official ballots to be used at any voting precinct containing within its limits a town or city, as described in section one of this Act, the names of all candidates for office for said town or city, in manner as now provided by law to be voted for exclusively by the electors of said town or city; *provided*, that he shall furnish sufficient ballots without the names of candidates for town or city officers, for use of the voters of the precinct who reside without the limits of said town, or city, and the number of all ballots furnished for use in said precincts, and the wards thereof, if any there be, shall be as now provided by law, and shall be apportioned according to the relative number of each class of voters as herein designated.

Ballots to
contain.

Proviso.

SEC. 4. The election officers of every voting precinct and the wards thereof, if any there be, shall, in manner as now provided by law, furnish the voters of said precinct or the wards

Form of
Ballot.

thereof, with ballots with or without the names of the candidates for town, or city officers, according as the voter is a resident within or without the limits of said town or city as shown by the official registry list for use of the election officers of said precincts, or the wards thereof, as in this Act provided, and no ballot containing names of candidates to be voted for exclusively by residents of the town or city shall be given to any voter who resides without the limits of said town or city.

Same.

SEC. 5. Except as herein specially provided, the manner of voting and conducting the election shall be as now provided by law.

Applicable to wards.

SEC. 6. Whenever any officer or officers of any town or city as herein mentioned are to be voted for exclusively by the qualified voters of any ward or wards of said town or city, then all of the provisions of this Act concerning the registration and manner of voting for town or city officers shall apply to said ward or wards.

CHAP. C.—*An Act to amend an Act entitled "An Act supplemental to an Act entitled 'An Act to provide revenue for the support of the government of the State of Nevada, and to repeal certain Acts relating thereto,' approved March 23, 1891, and to all Acts amendatory thereof, and to provide for a license upon the business of owning, raising, grazing, herding or pasturing sheep in the several counties of the State of Nevada, and to declare a violation thereof a misdemeanor and to provide a punishment therefor," approved March 12, 1895.*

[Approved March 22, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section six of said Act is hereby amended so as to read as follows:

Licenses.

Section six. All moneys collected for licenses under the provisions of this Act, less twenty per cent (which may be retained by the Sheriff as his commission for collecting the same) shall be paid to the County Treasurer of the county wherein such licenses are collected, and shall be, by him, placed to the credit of the General Fund of such county.

CHAP. CI.—*An Act fixing the salary of Constable in and for Carson township, Ormsby county, State of Nevada, and other matters relating thereto.*

[Approved March 22, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The Constable in and for Carson township Nevada, shall receive a salary of six hundred dollars a year, Salary. payable in twelve equal monthly payments; *provided*, such Constable shall have no claim against the county for services rendered in civil or criminal cases; *and provided further* that all fees received in civil cases shall be turned into the County Treasury.

SEC. 2. The Board of County Commissioners of Ormsby county, Nevada, shall at their regular monthly meetings allow the salary named in section one of this Act, as other salaries payable by the county are now allowed. How allowed.

SEC. 3. The County Auditor of Ormsby county, Nevada, shall draw his warrants in favor of the Constable of Carson township Ormsby county Nevada as provided in this Act and the County Treasurer of said county shall pay the same. The County Auditor to draw warrant.

SEC. 4. This Act shall take effect and be in force from and after its passage. To take effect.

CHAP. CII.—*An Act relating to the duties of Census Marshals.*

[Approved March 22, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. The School Census Marshals in the various school districts of the State shall not include in their enumeration of children between the ages of six and eighteen years Indian children not included any Indian children not attending public school.

SEC. 2. It shall be the duty of the Superintendent of Public Instruction and the various County Superintendents to cause the arrest and prosecution of any person who shall violate the provisions of this Act. And any person convicted of such violation shall be punished by a fine of not less than twenty (20) nor more than three hundred (300) dollars, or by imprisonment in the county jail for not less than ten nor more than sixty days, or by both such fine and imprisonment. Penalty.

CHAP. CIII.—*An Act to abolish the office of Fish Commissioner and to protect the fish in the waters of the State of Nevada.*

[Approved March 22, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Office
abolished.

SECTION 1. From and after the first day of September, A. D. 1897, the office of Fish Commissioner shall be and the same is hereby abolished.

Duties of
Fish Com-
missioner.

SEC. 2. The present Fish Commissioner is hereby continued in office until the first day of September, A. D. 1897, and it shall be his duty, prior to said time, to distribute all spawn, young fish, and fish stock now on hand, to the waters of the State of Nevada, and to sell and to dispose of, according to his best judgment, all equipments, appliances and other personal property belonging to the State of Nevada and under his control as Fish Commissioner, and to deliver the proceeds thereof to the State Treasurer who shall receipt therefor and place the same in the State General Fund.

Obstructions
in waters
of State.

SEC. 3. It shall be the duty of the District Attorneys of the different counties of the State of Nevada to require, as far as practicable, all persons, firms, companies, associations, or corporations, who have erected, or may hereafter erect, all dams, water weirs, or other obstruction to the free passage of fish in the rivers, streams, lakes or other waters of the State of Nevada, to construct and keep in repair fish ways, or fish ladders, at all dams, water weirs, or other obstructions, so that at all seasons of the year fish may ascend above such dams, water weirs or other obstructions.

CHAP. CIV.—*An Act to provide for the building, completion and equipment of a mechanical building and the completion and equipment of the gymnasium at the State University at Reno, Nevada, and to appropriate the sum of twelve thousand dollars therefor, to prepare and issue bonds for the amount of said appropriation, and to provide for the levy and collection of a tax to pay said bonds.*

[Approved March 23, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Regents
authorized
to construct
buildings.

SECTION 1. The Board of Regents of the State University are hereby authorized and directed to construct, complete and equip a suitable building of brick upon the State land at Reno, Nevada, to be set apart for the use of the State University, to be used as a mechanical building for the students attending or to attend said State University.

SEC. 2. The Board of Regents of the State University are hereby authorized and directed to complete and equip the gymnasium at the State University at Reno, Nevada. Gymnasium.

SEC. 3. The building, completion and equipment of said building shall not exceed the sum of twelve thousand dollars, of which sum ten thousand dollars, and no more, shall be used for the building, completion and equipment of the mechanical building, and two thousand dollars, and no more, shall be used for the completion and equipment of the gymnasium. Amount for each building.

SEC. 4. Twelve thousand dollars are hereby appropriated for the construction, completion and equipment of said mechanical building and for the completion and equipment of said gymnasium, and in no case shall a contract be entered into for the building, completion and equipment of the mechanical building which shall exceed the sum of ten thousand dollars for the building, completion and equipment of said mechanical building, and in no case shall a contract be entered into for the completion and equipment of the gymnasium which shall exceed the sum of two thousand dollars. Not to exceed appropriation.

SEC. 5. The money hereby appropriated shall be taken from the State school fund, and in its place shall be deposited twelve bonds of one thousand dollars each bearing interest at the rate of four per cent per annum. Said bonds shall run for twenty years, but shall be redeemable by the State at its pleasure after two years. Said bonds shall be signed by the Governor, and State Controller, countersigned by the State Treasurer, and authenticated with the great seal of the State, and shall state in substance that the State of Nevada owes its State School Fund twelve thousand dollars, the interest on which at four per cent per annum she agrees to pay during the life of said bonds for the benefit of the common schools of the State. Said bonds may be lithographed, as is usual in similar cases and deposited with the Treasurer of the State. The interest on said bonds shall be paid semi-annually on the first day of January and July of each year on the written order of the State Board of Education to the State Controller, directing him to draw his warrant for the amount of such semi-annual interest on the State University interest and sinking fund hereby created. All sums derived from the interest on said bonds shall go into the General School Fund for the support of the common schools of the State, and for the regular and prompt payment of which the faith and credit of the State is hereby pledged. Appropriation from State School Fund.

SEC. 6. There shall be levied and collected for the fiscal year commencing January 1, 1897, and annually thereafter an *ad valorem* tax of cent on each one hundred dollars of all the taxable property in the State, including the tax upon the proceeds of mines, and all sums derived from this tax shall go into the State University Interest and Sinking Fund for the payment of interest and redemption of bonds herein authorized by this Act. Interest to go into General School Fund.

SEC. 7. An Act to provide for the deficiencies incurred in Ad valorem tax to be collected.

Repeal.

the building and furnishing of dormitories, and for the construction of the annex for a mechanical building at the Nevada State University, at Reno, Nevada, approved March 3, 1897, is hereby repealed.

CHAP. CV.—*An Act to provide for the payment of deficiencies incurred in the building and furnishing of dormitories, and for the construction of the annex for a mechanical building at the Nevada State University at Reno, Nevada, the preparation and issuance of bonds therefor, and to provide for the payment of said bonds.*

[Approved March 23, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Amount appropriated.

SECTION 1. The sum of eleven thousand seven hundred and sixty-four dollars and twenty cents is hereby appropriated for the payment of the following deficiencies incurred by the Regents of the State University at Reno, Nevada, in the construction and furnishing of the dormitories at said State University, Authorized to be built, constructed and furnished by the Act of the Legislature of the State of Nevada entitled "An Act to provide for the building and furnishing of dormitories and for the purchase of additional land at the State University at Reno, Nevada," approved February 15, 1895;

For heating, plumbing and furnishing of the building used by male students, four thousand two hundred and twenty-six dollars and forty-five cents;

For completing, heating, plumbing and furnishing of the building used by the female students, five thousand seven hundred and eighty-nine dollars and seventy-five cents;

For the completion of the annex to the mechanical building mentioned in the title of this Act, one thousand, four hundred and ninety-eight dollars.

For amount due Richard Ryland for extra work under his contract for the construction of the building used by male students by reason of changes made by the use of other stone than that contemplated in the making of the contract, two hundred and fifty dollars.

Board of Regents to pay.

SEC. 2. The Board of Regents are hereby directed to pay the amounts so appropriated for the purpose named in section one of this Act.

To be taken from State School Fund.

SEC. 3. The money hereby appropriated shall be taken from the State School Fund, and in its place shall be deposited twelve bonds, eleven of which shall be for a thousand dollars each, and one of which shall be for seven hundred and sixty-four dollars and twenty cents, bearing interest at the rate of four per cent per annum. Said bond shall run for twenty years, but shall be redeemable by the State at its pleasure after two years. Said bonds shall be signed by the Governor and State Controller, countersigned by the State Treasurer, and

authenticated with the great seal of the State, and shall state in substance that the State of Nevada owes its said School Fund eleven thousand seven hundred and sixty-four dollars and twenty cents, the interest on which at four per cent per annum she agrees to pay during the life of said bonds for the benefit of the common schools of the State. Said bonds may be lithographed as is usual in similar cases, and deposited with the Treasurer of the State. The interest on said bonds shall be paid semi-annually on the first days of January and July of each year on the written order of the State Board of Education to the State Controller, directing him to draw his warrant for the amount of such semi-annual interest on the State University Interest and Sinking Fund hereby created. All sums derived from the interest on said bonds shall go into the General School Fund for the support of the common schools of the State, and for the regular and prompt payment of which the faith and credit of the State is hereby pledged.

Bonds to be signed.

Interest paid semi-annually.

To go into General School Fund.

SEC. 4. There shall be levied and collected for the fiscal year commencing January first, 1897, and annually thereafter, an *ad valorem* tax of one cent on each one hundred dollars of all the taxable property in the State, including the tax upon the proceeds of mines, and all sums derived from this tax shall go into the State University Interest and Sinking Fund for the payment of interest and redemption of bonds herein authorized by this Act.

Ad valorem tax to be levied and collected.

SEC. 5. An Act to provide for building, completion and equipment of a mechanical building and the completion and equipment of a gymnasium at the State University at Reno, Nevada, approved March 3, 1897, is hereby repealed.

Repeal.

CHAP. CVI.—*An Act to regulate the settlement of the estates of deceased persons.*

[Approved March 23, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows:

SECTION 1. Wills may be proved and letters testamentary or of administration granted in the county of which deceased was a resident at the time of death, whether death occurred in such county or elsewhere, and the District Court of such county shall have exclusive jurisdiction of the settlement of such estates, whether such estate is in one or more counties. The estate of a non-resident decedent may be settled by the District Court of any county wherein any part of such estate may be. The District Court to which application shall first be made shall have exclusive jurisdiction of the settlement of such estates.

District Court to have exclusive jurisdiction.

SEC. 2. Any person having any will in his possession shall within ten days after knowledge of the death of the person who executed such will deliver it into the District Court that

Wills to be delivered to Court.

has jurisdiction of the case, or to the person named in such will to execute it.

Person
named as
executor.

SEC. 3. Any person named as executor or executrix in any will shall within fifteen days after the death of the testator or testatrix, or within fifteen days after knowledge of such naming, present the will, if in possession of it, to the District Court.

Renunciation
of trust.

SEC. 4. Any person so named may decline the trust by filing a renunciation in writing. If such person intends to accept the trust, there shall be presented a petition for the probating of such will, setting forth in such petition the facts necessary to give the Court jurisdiction, and, when the same are known, the names, ages and residence of the heirs and devisees of the deceased, also the character and probable value of the estate and praying that the will be admitted to probate, and that letters testamentary be issued thereon to the party entitled thereto. If the jurisdictional facts existed, but are not fully set forth in the petition and the same shall be afterwards proved in the course of the administration, the probate of the will and the subsequent proceedings shall not on account of such want of jurisdictional averments be held void.

Petition.

Liability for
neglect.

SEC. 5. Every person who shall neglect to perform any of the duties required in the preceding sections, without reasonable cause, shall be liable to every person interested in the will for the damages such interested person may sustain by reason of such neglect.

Petition for
probate.

SEC. 6. Any person named in a will to execute it, though not in possession of such will, may present a petition to the District Court having jurisdiction, praying that the person in possession of the will may be required to produce it, that it may be admitted to probate, and that letters testamentary be issued.

By interested
person.

SEC. 7. Any person having an interest in a will may, in like manner, present a petition, praying that it may be required to be produced and admitted to probate.

Production
of will.

SEC. 8. If it be alleged in any petition that any will of a deceased person is in the possession of a third person, and the Court shall be satisfied that the allegation is correct, an order shall be issued and served upon the person having possession of the will, requiring such person to produce it at a time to be named in the order.

Penalty.

SEC. 9. Any person having the possession of a will and neglects or refuses to produce it in obedience to such order, such person may, by warrant from the Court, be committed to the jail of the county, and be kept in close confinement until such person produces the will.

Petition to
be signed and
filed.

SEC. 10. All petitions for the probate of a will, and for the issuance of letters, shall be signed by the party petitioning, or the attorney for such petitioners, and filed with the Clerk of the Court who shall publish a notice in some newspaper, if there is one printed in the county, if not, then by posting such notice in three public places in the county, stating in such notice the filing of such petition, the object, and designating

a time for proving such will, which shall not be less than ten nor more than twenty days.

SEC. 11. The Judge may make all necessary orders to enforce the production of any will at chambers. Powers of Judge.

SEC. 12. If the heirs of the deceased reside in the county, the party petitioning for the probate of a will shall obtain from the Clerk a citation and cause it to be served upon such heirs, requiring them to appear and contest the probate of the will at the time appointed by the Clerk, if they so desire. Such citation shall be served at least three days before the time so appointed. Citation to heirs.

SEC. 13. If a petition for probate is presented by any person other than the one named in the will to execute it, or if it is presented by one of several of such persons named in the will, citation shall in like manner issue and be served upon such not joining in the petition, if resident within the county. To persons named in will.

SEC. 14. The Clerk shall also issue subpoenas to the subscribing witnesses to a will, if they reside in the county. Subpoenas.

SEC. 15. At the time appointed, or at any other time to which the hearing may be continued, upon proof being made by affidavit or otherwise, to the satisfaction of the Court, that notice has been given as required by the preceding sections, the Court shall proceed to hear the testimony in proof of the will. All witnesses who appear and are sworn shall testify orally. Hearing of proof.

SEC. 16. Any person interested may appear and contest the probate of a will. If it appears that there are minors or other persons who are interested in the estate, but reside out of the county, and are unrepresented, the Court shall appoint some attorney to represent them. Who may contest.

SEC. 17. If no person shall appear to contest the probate of a will, the Court may admit it to probate on the testimony of one of the subscribing witnesses only, if such testimony shall show, that the will was executed in all particulars, as required by law, and that the testator or testatrix was of sound mind at the time of its execution. One witness sufficient.

SEC. 18. If any person appears to contest the probate of a will, such person shall file a statement in writing, setting out the grounds of contest, and file the same with the Clerk, which shall constitute a joinder of such issues of fact as may be alleged in opposition to the will, such as respects the competency of the deceased to make a last will and testament, or respecting the execution by the deceased of such last will and testament, under restraint, or undue influence, or fraudulent representations, or for any other cause affecting the validity of such will. And any and all issues of fact shall be tried as issues of facts are tried in other cases in the District Court. Contest and proceedings.

SEC. 19. When the probate of a will is contested all the subscribing witnesses who are present in the county, and who are of sound mind, must be produced and examined, and the To be examined.

death, absence or insanity of any of them shall be satisfactorily shown to the Court.

Certificates
of proof.

SEC. 20. If the Court shall be satisfied upon the proof taken when heard by the Court, or by the verdict of a jury, in case a jury trial is had, that the will was duly executed by a person at the time of sound and disposing mind, and not under restraint, undue influence or fraudulent representation, the Court, by decree in writing, shall admit the will to probate, whereupon the will and the decree admitting it to probate shall be recorded together by the Clerk in a book to be provided for that purpose.

To be
recorded.

Evidence.

SEC. 21. A copy of the record of the will and decree admitting it to probate, exemplified by the Clerk in whose custody it may be, shall be received in evidence and be as effectual in all cases as the original would be if proved.

Valid, when.

SEC. 22. All wills which shall have been duly proved and allowed in any other of the United States, or any Territory thereof, or in any foreign country or State, may be admitted to probate by the District Court of any county in which the deceased shall have left any estate; *provided*, it has been executed in conformity with the laws of the place where made.

Probate of
copy.

SEC. 23. When a copy of a will, as mentioned in the preceding sections, and the probate thereof, duly authenticated, shall be filed in the Clerk's office, with a petition for letters, notice shall be given for the hearing thereof, and such proceedings shall be had as in case of an original will for probate, and with like force and effect.

Lost will,
how proven.

SEC. 24. Whenever any will shall be lost by accident, or destroyed by fraud, the District Court shall have power to take proof of the execution and validity of such will, and to establish the same, notice to all persons interested having been first given, as prescribed in regard to proofs of wills in other cases.

Same.

SEC. 25. No will shall be allowed to be proved as a lost or destroyed will unless the same shall be proved to have been in existence at the time of the death of the person whose will it is claimed to be, or be shown to have been fraudulently destroyed in the lifetime of such person, nor unless its provisions shall be clearly and distinctly proved by at least two credible witnesses.

Pending
proof.

SEC. 26. If before or during the pendency of an application to prove a lost or destroyed will letters of administration shall have been granted upon the estate of the deceased, or letters testamentary of any previous will of such deceased, the Court shall have authority to restrain such administration if necessary to protect the interests of legatees or devisees claiming under the lost or destroyed will.

Letters to be
issued, when.

SEC. 27. When any will shall have been admitted to probate the District Court shall direct letters thereon to issue to the person or persons named in the will to execute the same, who may be competent to discharge the trust, and who shall appear and qualify.

SEC. 28. No person shall be deemed competent to serve as executor or executrix who at the time the will is probated shall

be: First—Under the age of majority; or, second, who shall have been convicted of an infamous crime; or, third, who, upon proof, shall be adjudged by the Court incompetent to execute the duties of the trust by reason of drunkenness, improvidence or want of understanding. If any such person be named as the sole executor or executrix in any will, or if all persons so named are incompetent, or shall renounce the trust, or fail to appear and qualify, letters of administration with the will annexed shall issue.

Executors,
who
competent.

SEC. 29. Any person interested in a will may file objections in writing to the granting of letters testamentary to the persons named as executors or executrices, or any of them, and such objections shall be heard and determined by the Court. A petition may also be filed for the issuance of letters of administration, with the will annexed, in all proper cases.

Objections to
executors.

SEC. 30. When an unmarried woman who shall have been appointed executrix shall marry, her marriage shall extinguish her authority. When a married woman is nominated as executrix she may be appointed and serve, in all respects, as if she were a femme sole.

Authority
revoked.

SEC. 31. No executor of an executor shall as such be authorized to administer on the estate of the first testator, but on the death of the sole or surviving executor or executrix of any last will, letters of administration, with the will annexed of the estate of the first testator or testatrix left unadministered, shall be issued.

Executor of
executor.

SEC. 32. When any person under the age of twenty-one years shall be named executor, or under the age of eighteen years executrix, letters of administration with the will annexed shall be granted, during the minority of such person, unless there is another executor or executrix, who shall accept the trust and qualify, in which case letters testamentary shall issue to such, who shall administer the estate, until the minor shall arrive at legal age, when such may be admitted as joint executor or executrix.

Letters to
minors.

SEC. 33. When all the persons named as executors or executrices shall not be appointed by the Court, such as shall be appointed shall have the same authority to perform every act and discharge every trust required by the will, and their acts shall be effectual for every purpose as if all had been appointed, and should act together. When there are two executors or administrators the acts of one alone shall be valid if the other is absent from the State, or for any cause is laboring under any legal disability, and when there are more than two, the act of a majority shall be sufficient.

Power of one
or more of
several
executors.

SEC. 34. Administrators with the will annexed shall have the same authority as the executor named in the will would have had if he should have qualified, and their acts shall be as effectual for every purpose.

Power of ad-
ministrator.

SEC. 35. Letters testamentary and of administration with the will annexed shall be signed by the Clerk and be under the seal of the Court.

Letters
signed.

SEC. 36. Letters testamentary may be in substantially the

Form of. following form, to wit (after properly entitling Court and cause): "The last will of ———, deceased, having been duly admitted to probate in our said Court, ———, who, is named therein, was by our said Court on the — day of ———, 189—, duly appointed executor, who having qualified as such (is) hereby authorized to act by virtue thereof. In testimony whereof I have officially signed these letters and affixed hereto the seal of said Court, this — day of ———, 189—."

Form of, with will annexed. SEC. 37. Letters of administration with the will annexed may be substantially in the following form, to wit (after properly entitling the Court and cause): "The last will of ———, deceased, having been duly admitted to probate in our said Court, and there being no executor named in said will (or as the case may be), ——— was by our said Court, on the — day of ———, 189—, duly appointed as administrator with the will annexed, and who, having duly qualified as such, is hereby authorized to act by virtue thereof. In testimony whereof I have officially signed these letters and affixed hereto the seal of said Court, this — day of ———, 189—."

Who entitled to letters. SEC. 38. Administration of the estate of a person dying intestate shall be granted to some one or more of the persons hereinafter mentioned, and they shall be respectively entitled in the following order: First—The surviving husband or wife, or such person, as he or she may request to have appointed. Second—The children. Third—The father, or mother. Fourth—The brother. Fifth—The sister. Sixth—The grandchildren. Seventh—Any other of the kindred entitled to share in the distribution of the estate. Eighth—The creditors. Ninth—The Public Administrator. Tenth—Any of the kindred, not above enumerated, within the fourth degree of consanguinity. Eleventh—Any person or persons legally competent.

To have preference. SEC. 39. When there shall be several persons claiming and equally entitled to the administration, males shall be preferred to females, and relatives of the whole blood to those of the half blood.

When equally entitled. SEC. 40. When there are several persons equally entitled to the administration the Court may, in its discretion, grant letters to one or more of them.

Who not entitled. SEC. 41. No person shall be entitled to letters of administration who shall be: First—Under the age of majority; or, second, who shall have been convicted of an infamous crime; or, third, who upon proof shall be adjudged by the Court incompetent to execute the duties of the trust, by reason of drunkenness, improvidence or want of integrity or understanding.

Marriage revokes. SEC. 42. When any unmarried woman who shall have been appointed administratrix shall marry, her marriage shall extinguish her authority.

Application by petition. SEC. 43. Application for letters of administration shall be made by petition in writing, signed by the applicant or his attorney, and filed in the office of the Clerk of the Court. The petition must state the facts essential to give the Court jurisdiction of the case, and when known the names, ages and

residence of the heirs of the deceased; also the character and value of the property. When filed the Clerk shall give notice thereof by causing notices to be posted up in at least three public places in the county, one of which shall be at the place where the Court is held. The notice shall state the name of the deceased, the name of the applicant, and designate a day on which the application will be heard, which shall be at least ten days after posting the notices. If the jurisdictional facts existed but are not fully set forth in the petition, and the same shall afterwards be proved in the course of the administration, the administration shall not be void on account of a want of such jurisdictional averments.

Notices to be posted.

Sec. 44. Any person interested may contest the application by filing a written opposition thereto, on the ground of the incompetency of the applicant, or may assert his own right to the administration, and pray that letters be issued to himself.

Who may contest.

Sec. 45. On the hearing, it being first proved that proper notice has been given, the Court shall proceed to hear the allegations and proof of the parties, and to order the issuance of letters of administration, as the case may require.

Hearing application.

Sec. 46. An entry in the minutes of the Court that proof was made that notice had been given according to law shall be conclusive evidence of the fact of such notice.

Evidence.

Sec. 47. Letters of administration may be granted to any applicant, though it appear that there are other persons having better rights to the administration, when such fail to appear and claim the issuance of letters to themselves.

Letters may be granted.

Sec. 48. Before letters of administration shall be granted on the estate of any person who is represented to have died intestate, the fact of his having died intestate shall be proved by the testimony of the applicant and any other testimony that may be produced. Proof must also be made concerning the time, place and manner of death, the place of his residence at the time of his death, the location, character and value of his property, and whether the deceased left a will. Any person may be compelled to attend as a witness for such purpose.

Proof of death.

Sec. 49. Administration may be granted to one or more competent persons, although not entitled to the same, at the request of the person entitled to be joined with such persons. The request shall be in writing and filed in the Court. When the person entitled is a non-resident of the State his request, acknowledged before a Notary Public or other officer having a seal, and authorized by the laws of the State or Territory to take acknowledgments, may be received as prima facie evidence of the identity of the party, upon which the letters shall be ordered issued as requested, if the person is competent.

Granted at request of others.

Sec. 50. When letters of administration have been granted to any other person than the surviving husband or wife, the child, the father, mother, brother or sister of the intestate, any one of them may obtain the revocation of the letters by presenting to the District Court a petition praying the revocation, and that letters of administration be issued to him or her.

Revocation.

Citation to
answer.

SEC. 51. When any such petition shall be filed, a copy must be served upon the administrator, when the matter shall be deemed at issue, and may be brought on for hearing at any time thereafter, by consent of parties or by either party, on giving the other party two days previous notice that he will move the Court to set the matter for a day certain. Upon the hearing, the Court being satisfied that a copy of the petition has been duly served upon the administrator, shall proceed to hear the allegations and proofs of the parties, and if the right of the applicant is established, and he or she be competent, letters of administration shall be granted to the applicant and the letters of the former administrator revoked.

Hearing.

Surviving
husband or
wife.

SEC. 52. The surviving husband or wife, when letters of administration have been granted to a child, the father or mother, brother or sister of the intestate, or any other person, may assert his or her prior right, and obtain letters of administration and have the letters before granted revoked in the manner prescribed in the two preceding sections.

Form of
letters.

SEC. 53. Letters of administration shall be signed by the Clerk, and be under the seal of the Court, and may be in the following form, to wit (after properly entitling Court and cause): "This is to certify that, by order of the above-named Court made and entered on the — day of —, 189—, — was appointed administrator of the estate of —, deceased, by virtue of which these letters are issued this — day of —, 189—, he having duly qualified. Witness my official signature, with the seal of the Court affixed."

Oath to be
recorded.

SEC. 54. Before letters testamentary or of administration shall be issued to the executor or administrator he shall take and subscribe an oath or affirmation before the Clerk that he will perform, according to law, the duties of executor or administrator; said oath shall be filed and recorded by the Clerk. All duly certified copies of any record or paper in matters of estates shall have the same force and effect in all cases whatsoever as the original papers would have.

Bond.

SEC. 55. Every person to whom letters testamentary (unless the will otherwise provides) or of administration shall have been directed to issue shall, before receiving the letters, execute a bond to the people of the State of Nevada, with two or more sureties to be approved by the District Judge. In form the bond shall be joint and several, and the penalty shall not be less than the value of the personal property, including rents and profits belonging to the estate, which value shall be ascertained by the Court by the examination on oath of the party applying, and of any other persons the Judge may think proper to examine. The District Judge shall require an additional bond whenever the sale of any real estate belonging to an estate is ordered by him to be sold. The bond shall be conditioned that the executor or administrator will faithfully execute the duties of the trust according to law, and shall be recorded by the Clerk.

Additional
bond.

Bond
sued on.

SEC. 56. The bond shall not be void upon the first recovery, but may be sued upon from time to time by any person

aggrieved in his or her own name until the whole penalty is exhausted.

Sec. 57. In all cases when bonds are required by this Act, the sureties must justify on oath before the Judge or Clerk of a Court having a seal, or before a Notary Public, or a Justice of the Peace of the county, to the effect that they are householders, or freeholders, within this State and worth the amount for which they become surety; over and above all just debts and liabilities, exclusive of property exempt from execution, and such justification must be signed by the sureties and certified by the officer taking the same and endorsed on or attached to and filed with the bond. When the whole penal sum of such bond exceeds two thousand dollars, sureties may go thereon for any sum not less than five hundred dollars, so that the whole be equal to two sufficient sureties for the whole penal sum.

Sureties to justify, before whom.

Sec. 58. Before the District Judge approves any bond required by this Act, he may of his own motion, or at any time after the approval of such bond, upon motion of any person interested in said estate, supported by affidavit that any one or all of such sureties is or are not worth as much as justified to, order a citation to issue, requiring such surety or sureties to appear before him at a particular time and place, to testify touching his or their property, and its value; and the Judge shall at the time such citation is issued cause a notice or subpoena to issue to the executor or administrator, requiring his appearance at the return of the citation. Upon the return of the citation the Judge may swear the surety and such witnesses as may be produced touching the property and its value of such surety or sureties; and if upon such investigation the Judge is satisfied that the bond is insufficient, he may require sufficient additional surety within such time as may be reasonable.

Doubtful sureties.

Sec. 59. If sufficient surety is not given within the time fixed by the Judge's order, or such further time as the Judge may give, the right of such executor or administrator to the administration shall cease, and the person next entitled to the administration on the estate, who will execute a sufficient bond, shall be appointed to the administration.

Failure to give.

Sec. 60. When it is expressly provided in the will of a deceased that no bond shall be required of the executor or executrix, letters testamentary may issue without any bonds having been given; but an executor or executrix to whom letters have been issued without bonds may, at any time afterwards, whenever it shall be shown for any cause to be necessary or proper, be required to approve and file a bond as in other cases.

Without bond, when.

Sec. 61. Whenever any person interested in an estate shall discover that the sureties of any executor or administrator have become or are becoming insolvent, or that they or any one have or has removed from or are or is about to remove from the State, or that from any other cause the bond is insufficient,

Further security.

such person may apply by petition to the District Judge praying that further security be given.

Citation to
issue.

SEC. 62. If the District Judge shall be satisfied that the matter requires investigation he shall direct the Clerk to issue a citation to the party complained of requiring him to appear at a time and place, to be therein specified, to show cause why he or she should not give further surety. The citation shall be served personally on the executor or administrator, executrix or administratrix, at least five days before the return day. If he or she shall have absconded or cannot be found it may be served by leaving a copy of it at his or her last place of abode.

Hearing of
application.

SEC. 63. On the return of the citation, or at such other time as the Judge may appoint, he shall proceed to hear the allegations and proof of the parties. If it shall satisfactorially appear that the security is from any cause insufficient he may make an order requiring the executor or administrator to give additional security, or to file a new bond in the usual form within such reasonable time as the Judge may fix.

Powers to
cease.

SEC. 64. If the executor or administrator neglect to comply with the order within the time prescribed, the Judge shall, by order, revoke his letters, and his authority shall thereupon cease.

Pending
application.

SEC. 65. When a petition is presented praying that an executor or administrator be required to give further security, and when it also shall be alleged on oath or affirmation that the executor or administrator is wasting the property of the estate, the Judge may, by order, suspend his powers until the matter can be heard and determined.

May require
further
security.

SEC. 66. When it shall come to his knowledge that the bond of any executor or administrator is from any cause insufficient, it shall be the duty of the District Judge, without any application, to cause him to be cited to appear and show cause why he should not give further security, and to proceed thereon as upon the petition of any person interested.

Released,
how.

SEC. 67. When any one or all of the sureties of any executor or administrator shall desire to be released from any further liability as such surety, he or they may file a petition with the Clerk praying for relief, whereupon the Clerk shall issue a citation to the executor or administrator requiring him to appear before the Court, at a time to be therein stated, to show cause why the prayer of said petition should not be granted and he give further security. Such citation shall be served personally, and made returnable not later than ten days from its date.

Not liable,
when.

SEC. 68. If new sureties be given to the satisfaction of the Judge, he may thereupon make an order that the surety or sureties who applied for relief shall not be liable for any subsequent act, default or misconduct of the executor or administrator.

Powers
suspended.

SEC. 69. If the executor or administrator neglect or refuse to give new sureties to the satisfaction of the Judge, on the return of the citation, the Court or Judge being satisfied the

citation has been personally served, or within such reasonable time as the Judge shall allow, not exceeding five days, unless the surety or sureties petitioning shall consent to a longer extension of time, the Court or Judge shall revoke the letters granted.

SEC. 70. When there shall be a delay in granting letters testamentary or administration, from any cause, or when such letters shall have been granted irregularly or no sufficient bond shall have been filed as required by law, or when no petition shall be filed for such letters, and in any other proper case, the District Judge shall appoint a special administrator to collect and take charge of the estate of the deceased, in whatever county or counties the same may be found, and to exercise such other powers as may be necessary to preserve the estate. Special appointed.

SEC. 71. The appointment may be made at chambers, and without notice, and shall be made by entry upon the minutes of the Court, which shall specify the powers to be exercised by the administrator. Upon such order being entered, and after the person appointed has given bonds, as fixed by the Judge, the Clerk shall issue letters of administration, with a certified copy of the order attached, to such person. Appointment how made.

SEC. 72. In making the appointment of a special administrator, the District Judge shall give preference to the person or persons entitled to letters testamentary or of administration, but no appeal shall be allowed from the appointment. Who to have preference.

SEC. 73. The special administrator shall collect and preserve for the executor or administrator when appointed, all the goods, chattels and debts of the deceased, all incomes, rents, issues and profits, claims and demands of the estate, shall take charge and management of, enter upon and preserve from damage, waste and injury the real estate, and for any such and all necessary purposes may commence, maintain or defend suits and other legal proceedings as an administrator. He may sell such perishable estate as the District Court may order to be sold, and may exercise such other powers as may have been conferred upon him by his appointment; but in no case shall he be liable to an action by any creditor, on any claim against the estate, nor pay any claim against the deceased. Powers and duties.

SEC. 74. When letters testamentary or of administration shall be granted on the estate of the deceased, the powers of the special administrator shall cease and he shall forthwith deliver to the executor or administrator all the property and effects of the deceased in his hands, and the executor or administrator may be permitted to prosecute to final judgment any suit commenced by the special administrator. Powers cease, when.

SEC. 75. The special administrator shall also render an account, under oath, of his proceedings in like manner as other administrators are required to do. To render account.

SEC. 76. Whenever an executor or administrator shall die or his letters be revoked, and the circumstances require the immediate appointment of an administrator, the District Judge Special appointed.

may appoint a special administrator, as provided in the preceding sections.

Remaining
executor to
proceed.

Sec. 77. In case any one of several executors or administrators of the same estate to whom letters shall have been granted shall die, become lunatic, be convicted of an infamous crime, or otherwise become incapable of executing the trust, or, in case the letters testamentary or of administration shall be revoked or annulled according to law with respect to any one executor or administrator, the remaining executor or administrator shall proceed and complete the execution of the will or administration.

Shall issue
letters, when.

Sec. 78. If all such executors or administrators shall die or from any cause become incapable of executing the trust, or the power and authority of all of them shall be revoked or annulled according to law, the District Court shall direct letters of administration with the will annexed or otherwise to be issued to the widow, next of kin or others, in the same manner as directed in relation to original letters of administration. The administrator so appointed shall give bond in like penalty with like sureties and conditions as hereinbefore required of administrators and shall have the like power and authority.

Letters
revoked.

Sec. 79. If after granting letters of administration on the ground of intestacy, a will of the deceased shall be duly proved and allowed by the Court, the letters of administration shall be revoked and the power of the administrator shall cease, and he shall render an account of his administration within such time as the Court shall direct.

New admin-
istration.

Sec. 80. In such case, the executor of the will or the administrator with the will annexed shall be entitled to demand, sue for and collect all the goods, chattels and effects of the deceased remaining unadministered, and may prosecute to final judgment any suit commenced by the administrator before the revocation of his letters.

Resignation.

Sec. 81. Any executor or administrator may at any time, by writing filed in the District Court, resign his appointment; *provided*, he shall first settle his accounts and deliver up all the estate to such person as may be appointed by the Court.

Before
revocation.

Sec. 82. All acts of an executor or administrator as such, before the revocation of his letters testamentary or of administration, shall be as valid to all intents and purposes as if such executor or administrator had continued to execute lawfully the duties of his trust.

Evidence.

Sec. 83. A transcript from the minutes of Court, showing the appointment of any person as executor or administrator, together with the certificate of the Clerk, under his hand and the seal of the Court that such person has given bond and been qualified, and that letters testamentary or of administration have been issued to him, and have not been revoked, shall have the same effect in evidence as the letters themselves.

Judge not
competent,
when.

Sec. 84. No District Judge shall admit to probate any will, or grant letters testamentary, or of administration, in any case where he shall be interested as next of kin to the deceased or as a legatee or devisee under the will, or where he shall be

named as executor or trustee in the will, or shall be a witness thereto.

SEC. 85. When any District Judge who would otherwise be authorized to act shall be precluded from acting from the causes mentioned in the preceding section, or when he shall in any manner be interested, he shall call a District Judge of another district to hold the Court of his county; and such Judge shall hold such Court, and be vested with all the powers of the Court and Judge so disqualified, and shall retain jurisdiction as to all subsequent proceedings in regard to the estate.

Another
Judge
may act.

SEC. 86. Every executor or administrator shall make and return to the Court, within twenty days after his appointment, unless the Court shall extend the time, a true inventory and appraisement of all the estate of the deceased which shall have come to his possession or knowledge.

Inventory,
return of.

SEC. 87. For the purpose of making the appraisement, the Court or Judge shall appoint three disinterested persons, any two of whom may act, and who shall be entitled to a reasonable compensation for their services, to be allowed by the Court. This compensation as allowed shall be in the form of a bill of items for their services, including all necessary disbursements, which shall be sworn to by them, and filed at the same time as the inventory. The compensation shall not exceed five dollars per day each, and may be paid out of the estate at any time. The inventory shall include all the estate of the deceased, wherever situated.

Appraise-
ment, how
made.

Compensation.

SEC. 88. Before proceeding to the execution of their duty, the appraisers, before any officer authorized to administer oaths, shall take and subscribe an oath to be attached to the inventory, that they will truly, honestly and impartially appraise the property which shall be exhibited to them or called to their attention, according to the best of their knowledge and ability. They shall then proceed to appraise the property of the estate; each article or parcel shall be set down separately with the value thereof in dollars and cents, in figures, opposite to each article or parcel respectively. The inventory shall contain all the estate of the deceased, real and personal; a statement of all debts, partnerships, and other interests, bonds, mortgages, notes, and other securities for the payment of money, belonging to deceased, specifying the name of the debtor in each security, the date, the sum originally payable, the indorsements thereon if any, with their dates, and the sum which in the judgment of the appraisers may be collectible on each debt, interest or security. The inventory shall also show, so far as can be ascertained, what portion of the estate is community property, and what portion is the separate property of the deceased; also an account of all moneys belonging to the deceased which shall have come to the hands of the executor or administrator.

To take oath.

Inventory to
contain.

SEC. 89. The naming of any person as executor in a will shall not operate as a discharge of any just claim which the testator had against such person, but the claim shall be included in the inventory, and the person named as executor

Does not
discharge
debt.

shall be liable for the same, or for so much money in his hands at the time the debt or demand becomes due, if he be the executor.

Not valid.

SEC. 90. The discharge or bequest in a will of any debt or demand of the testator against any person named as executor in his will, or against any other person, shall not be valid against the creditors of the deceased, but shall be construed as a specific bequest only of such debt or demand; and the amount thereof shall be included in the inventory and shall, if necessary, be applied in payment of his debts. If not necessary for that purpose, it shall be disposed of in the same manner as other specific legacies or bequests.

Oath of appraisers.

SEC. 91. The inventory shall be signed by the appraisers, and the executor or administrator shall take and subscribe an oath, before any officer authorized to administer oaths, that the inventory contains a true statement of all the estate of the deceased which has come to his possession or of which he has knowledge, and particularly of all moneys belonging to the deceased, and of all just claims of the deceased against the executor or administrator. The oath shall be indorsed upon or annexed to the inventory.

Non-return of inventory.

SEC. 92. If any executor or administrator shall neglect or refuse to return the inventory, within the time prescribed, or within such further time as the Court or Judge shall, for good cause, allow, the Court may, with or without further notice, revoke the letters testamentary or of administration, and the executor or administrator shall be liable on his bond for any injury sustained by the estate through his neglect.

Supplemental inventory.

SEC. 93. Whenever any property not mentioned in any inventory that shall have been made shall come to the possession or knowledge of the executor or administrator, he shall return a supplementary inventory of such property within twenty days after the discovery thereof in the same manner as an original inventory. If the first appraisers are not in the county others may be appointed. The Court may enforce the making of a supplementary inventory as an original.

Right of possession.

SEC. 94. The executor or administrator shall have a right to the possession of all the real as well as personal estate of the deceased, and may receive the rents and profits of the real estate until the estate shall be settled, or until delivered over by order of the District Court to the heirs or devisees, and shall keep in good tenantable repair all houses, buildings and fences thereon which are under his control.

Personal estate.

SEC. 95. The personal estate of the deceased which shall come into the hands of the executor or administrator shall be first chargeable with the payment of the debts and expenses, and if the goods, chattels, rights and credits in the hands of the executor or administrator shall not be sufficient to pay the debts, expenses of administration and the allowances to the family of the deceased the whole, or such part as may be necessary for that purpose, of the real estate may be sold in the manner prescribed in this Act.

SEC. 96. If any person, before the granting of letters testa-

mentary or of administration, shall convert to his or her own use, take or alienate any of the moneys, goods, chattels or effects of any deceased person, he shall stand chargeable and be liable to an action by the executor or administrator of the estate for double the value of the property so converted, taken or alienated, to be recovered for the benefit of the estate. Embezzlement.

SEC. 97. If any executor or administrator, heir, devisee, legatee, creditor or other person interested in the estate of any deceased person shall complain, on oath, to the District Judge that any person has, or is suspected to have, concealed, converted to his or her own use, conveyed away or otherwise disposed of any moneys, goods, chattels or effects of the deceased, or that he has in his possession or knowledge, any deeds, conveyances, bonds, contracts or other writings which contain evidence of, or tend to disclose the right, title or interest of the deceased in or to any real or personal estate, or any claim or demand, or any last will of the deceased, the said Judge may cause such person to be cited to appear before the District Court to answer, upon oath, upon the matter of such complaint. If such person be not in the county when letters have been granted, he or she may be cited and examined either before the District Court of the county where he may be found, or before the Court issuing the citation. But if in the latter case such person appears and shall be found innocent, his or her necessary expenses shall be allowed out of the estate. Proceedings for.

SEC. 98. If the person so cited should refuse to appear and submit to such examination, or to testify touching the matter of such complaint, the Court may commit such person to the County Jail, there to remain confined until he or she shall obey the order of the Court, or be discharged according to law, and if upon such examination it shall appear that such person has concealed, converted to his or her own use, smuggled, conveyed away, or in any manner disposed of any moneys, goods or chattels of the deceased, or that he has in his possession or under his control any deeds, conveyances, bonds, contracts or other writings, which contain evidence of, or tend to disclose, the right, title, interest or claim of the deceased to any real or personal estate, claim or demand, or any last will of the deceased, the District Court may make an order requiring such person to deliver any such property or effects to the executor or administrator, at such time as the Court may fix, and should such person fail to comply with such order, the Court may commit he or she to the County Jail till such order shall be complied with, or the person discharged according to law. The order of the Court for the delivery of such property shall be prima facie evidence of the right of the executor or administrator to such property in any action that may be brought for the recovery thereof; and any judgment recovered therein shall be for double the value of the property, and damages in addition thereto equal to the value of such property. In addition to the examination of the party, witnesses may be produced and examined on either side. Penalty for refusing to answer.

SEC. 99. The District Judge, upon the complaint on oath of

Cited to
appear.

any executor or administrator, may cause any person who shall have been intrusted by such executor or administrator with any part of the estate of the decedent to be cited to appear before such Court and render on oath a full account of any money, goods, chattels, bonds, accounts or other papers or effects belonging to the estate which shall have come into his possession in trust for the executor or administrator, and if the person so cited shall fail or refuse to appear and render such account, he or she may be proceeded against as provided in the preceding section.

May retain
homestead.

SEC. 100. When any person shall die leaving a widow or a minor child or children, the widow, child or children shall be entitled to remain in possession of the homestead and of all the wearing apparel and provisions on hand of the family, and all of the household furniture, and shall also be entitled to a reasonable provision for their support, to be allowed by the District Judge at chambers or in Court.

May be set
apart.

SEC. 101. Upon the return of the inventory or at any time thereafter during the administration, the Court or Judge, of his own motion or an application, may set apart for the use of the family of the deceased all personal property which is exempt by law from execution, and the homestead as designated by the general homestead law now in force, whether such homestead has theretofore been selected as required by said law or not, and the property thus directed to be set apart shall not be subject to administration.

Allowance
for family.

SEC. 102. If the whole property exempt by law be set apart, and should not be sufficient for the support of the widow, child or children, the District Court or Judge shall make such reasonable allowance out of the estate as shall be necessary for the maintenance of the family according to their circumstances during the progress of the settlement of the estate, which in case of an insolvent estate shall not be longer than one year after granting letters of administration.

Allowance,
priority of.

SEC. 103. Any allowance made by the Court or Judge in accordance with the provisions of this Act shall be paid by the executor or administrator in preference to all other charges, except funeral charges.

How
apportioned.

SEC. 104. When property shall have been set apart for the use of the family, in accordance with the provisions of this Act, if the deceased shall have left a widow and no minor child, such property shall be the property of the widow. If he shall have left a minor child, or children also, the one-half of such property shall belong to the widow, and the remainder to the child, or in equal shares to the children, if there be more than one. If there be no widow, the whole shall belong to the child or children.

Estate not
administered
upon, when.

SEC. 105. When any person shall die, leaving an estate the whole value of which does not exceed five hundred dollars, and there be a surviving husband or wife, and a minor child or children, such estate shall not be administered upon, but the whole thereof shall be by the Court or Judge, by an order for that purpose, assigned and set apart for the support of the

surviving husband or wife and minor children of deceased, or for the support of the minor child or children, if there be no surviving husband or wife. Such order may be made by the Court or Judge on motion made by, or on behalf of, the surviving husband or wife, or next friend of any minor child or children, upon an affidavit setting forth the necessary facts, and the Court or Judge being satisfied that the value of the whole of such estate does not exceed five hundred dollars.

SEC. 106. If the widow has a maintenance derived from her own property equal to the portion set apart to her under the provisions of this Act, the whole property so set apart shall go to the minor children.

To go to the children, when.

SEC. 107. Every executor or administrator shall, immediately after his appointment, cause to be published in some newspaper published in the county, if there be one, if not then in such newspaper as may be designated by the Court or Judge, and post copies thereof in three public places of the county, a notice of his appointment as such executor or administrator. Such notice shall be properly entitled of Court and cause, specifying the date of appointment, the name of the deceased, and shall be dated and officially signed by the executor or administrator. Such notice shall be published for at least once a week for four weeks. After the notice shall have been given as above required a copy thereof, with the affidavit of publication and posting, shall be filed.

Publication of notice.

SEC. 108. All persons having claims against the deceased must, within sixty days, after the first publication of the notice specified in the preceding section, file the same with the necessary vouchers with the Clerk of the Court, who shall file and register each claim. If a claim be not filed with the Clerk within sixty days after the first publication of said notice it shall be forever barred; *provided*, that when it shall be made to appear by the affidavit of the claimant that he had no notice as provided in this Act to the satisfaction of the Court or Judge by reason of absence from the State, it may be filed any time before final distribution is made.

Claims, when barred.

Proviso.

SEC. 109. Every claim filed with the Clerk shall be supported by the affidavits of the claimant that the amount is justly due (or if the claim is not yet due, that the amount is a just demand and will be due on the — day of —, 18—), that no payments have been made thereon which are not credited, and that there are no offsets to the same to the knowledge of the claimant or other affiant; *provided*, that when the affidavit is made by any other person than the claimant the reasons why it is not made by the claimant shall be set forth in the affidavit. The oath may be taken before any officer authorized to administer oaths. The amount of interest shall be computed and included in the statement of the claim and the rate of interest determined.

Sworn to.

SEC. 110. Any District Judge may file a claim against the estate of any deceased person, and have the same rights and remedies in reference thereto as any other creditor filing a

Claim of Judge or executor.

claim. Any executor or administrator may file a claim against the estate of any deceased person.

Claims,
endorsement
of.

SEC. 111. Within fifteen days after the time for filing claims has expired as hereinbefore provided, the executor or administrator shall examine all claims filed, and indorse on each claim his allowance or rejection with the day and the year thereof, and within five days after the fifteen days in this section first specified, the executor or administrator shall present all claims allowed by him to the District Judge for his approval or rejection. If an executor or administrator refuse or neglect to indorse on a claim his allowance or rejection within the fifteen days, as above specified, the claim shall be deemed allowed, and the Clerk shall present such claim or claims to the Judge for his approval or rejection within the five days above specified. All claims, when approved by the Judge, shall be ranked among the acknowledged debts of the estate, to be paid, in due course of administration. If the claim be founded on a bond, bill, note or other instrument, the original instrument need not be filed, but a copy with all indorsements, may be attached to the statement of the claim and filed therewith, and if the claim be secured by mortgage or other evidence of lien, it shall, or a certified copy from a record, be attached to the claim and filed therewith.

Claims
rejected,
suit on.

SEC. 112. When a claim is rejected by the executor or administrator or the District Judge, the holder shall be immediately notified by the executor or administrator, and such holder must bring suit in the proper Court against the executor or administrator within thirty days after such notice, whether the claim is due or not, otherwise the claim shall be forever barred.

Barred.

SEC. 113. No claim shall be allowed by the executor or administrator or the District Judge which is barred by the statute of limitations at the time of the death of the person whose estate is being administered.

Before suit.

SEC. 114. No holder of any claim against an estate shall maintain any action thereon unless it shall have been first filed, and under the conditions hereinbefore specified.

Limitation.

SEC. 115. The time during which there shall be a vacancy in the administration shall not be included in any limitations herein prescribed.

Same.

SEC. 116. If an action be pending against the deceased at the time of his or her death, the plaintiff, in like manner, shall file his claim with the Clerk and no recovery shall be had in the action unless proof be made of such filing.

Allowance
in part.

SEC. 117. Whenever the executor or administrator or the District Judge shall act upon any claim that may be filed, he shall endorse on the claim the amount he is willing to allow, and should the creditor refuse to accept the amount allowed in satisfaction of his claim he shall recover no costs in any action which he may bring on such claim against the executor or administrator, unless he shall recover a greater amount than that offered to be allowed.

SEC. 118. The effect of any judgment rendered against any

executor or administrator upon any claim for money against the estate of his testator or intestate, shall only be to establish the claim in the same manner as if it had been allowed by the executor or administrator and the District Judge, and the judgment shall be that the executor or administrator pay in due course of administration the amount ascertained to be due. A certified copy of the judgment shall be filed in the estate proceedings. No execution shall issue upon such judgment nor shall it create any lien upon the property of the estate or give the judgment creditor any priority of payment. Effect of judgment.

SEC. 119. When any judgment has been rendered against the deceased in his or her lifetime no execution shall issue thereon after his or her death; but a certified copy of such judgment shall be attached to the statement of claim filed with the Clerk and shall be acted on as any other claim; *provided, however*, that if an execution has been actually levied upon any property of the deceased the same may be sold for the satisfaction thereof and the officer making the sale shall account to the executor or administrator for any surplus in his hands. Before death.

SEC. 120. When a judgment has been recovered with costs against any executor or administrator the executor or administrator shall be personally liable for the costs, but they shall be allowed him in his administration accounts unless it shall appear that the suit or proceeding in which the costs were taxed shall have been prosecuted or resisted without just cause. Liable for costs.

SEC. 121. If an executor or administrator is himself a creditor of the deceased, he shall as any other creditor file his claim with the Clerk, and the District Judge shall allow or reject it, and its allowance by the Judge shall be sufficient evidence of its correctness. Presented for allowance.

SEC. 122. If any executor or administrator shall neglect for fifteen days after his appointment to give notice of his appointment, as hereinbefore prescribed, it shall be the duty of the Court to revoke his letters. Notice to creditors.

SEC. 123. Within ten days after the expiration of the time for the Judge to approve or reject claims, the executor or administrator shall file a statement of all claims filed against the estate, and at any other time the Court may order. In all such statements he shall designate the names of the creditors, the character of each claim, when it became or will become due, and whether allowed or rejected. Statement of claims.

SEC. 124. No sale of any property of an estate of a deceased person shall be valid unless made under an order of the District Court, except as otherwise provided in this Act or other Acts. Not valid.

SEC. 125. All applications for orders of sale shall be by petition in writing, in which shall be set forth the facts showing the sale to be necessary, and, upon the hearing, any person interested in the estate may file written objections, which shall be heard and determined. Application for order.

SEC. 126. At any time after receiving letters the executor, administrator or special administrator may apply to the Court

Perishable
property.

or Judge for an order to sell the perishable property of the estate, or so much of other property, if necessary, to pay the allowance made to the family of deceased. If there be a delay in obtaining such order, such property may be sold without an order of sale; *provided*, that the executor, administrator or special administrator shall be held responsible for the property sold by him, unless, after making a sworn return, the Court shall confirm the sale. If claims against the estate have been allowed, and a sale of property shall be necessary for their payment, or of the expenses of the administration, the executor or administrator may also apply for an order to sell so much of the personal property as may be necessary. Upon filing his petition, notice of at least five days shall be given of the hearing of the application, either by posting or publishing, as the Court or Judge may order. A similar application may be made from time to time to the Court or Judge at chambers as long as any personal property remains in his hands, and a sale thereof is necessary; and if he deem it for the best interest of the estate, he may at any time after the filing of the inventory make a like application, and after giving like notice, for an order to sell the whole of the personal property belonging to the estate; and if on the hearing it shall be made to appear that a sale is necessary, or for the best interest of the estate, the Court or Judge shall order it to be made. In making such sales the Court or Judge shall order such articles as are not necessary for the support and subsistence of the family of the deceased, or are not specially bequeathed, to be first sold. Articles so bequeathed shall not be sold until the residue of the personal property has been applied to the payment of the debts and expenses of administration.

To be sold
first.

Sale, how
made.

SEC. 127. The sale of personal property shall be made at public auction, and after public notice given at least ten days, unless for good reasons shown, the Court or Judge shall order a private sale or a shorter notice. Public sales of such property shall be made at the Court House door, at the residence of the deceased, or at some other place to be mentioned in the notice, and no sale shall be made of any property which is not present at the time of selling.

Notice, how
given.

SEC. 128. The notice shall specify the time and place, and shall be given by posting in three public places of the county, or by publication in a newspaper, as the Court or Judge shall order.

Real estate
may be sold,
when.

SEC. 129. When the personal estate of the deceased shall be insufficient to pay the allowance to the family, the debts of the deceased, expenses of last illness and funeral, and the charges and cost of administration, the executor or administrator may petition to have the real estate sold for such purpose.

Application
for order.

SEC. 130. Such petition shall be presented to the District Court or the Judge at chambers, setting forth the amount of personal estate that has come to the hands of the petitioner, and how much thereof, if any, remains undisposed of; the

debts outstanding against the deceased, as far as the same can be ascertained or estimated; the amount due upon the family allowance or that will be due after the same shall have been in force for one year; the sum, if any, due for last sickness and funeral of deceased; the costs and expenses of the administration already accrued and an estimate of what will or may accrue during the administration; a description of all the real estate of which the deceased died seized, or in which he or she had any interest or in which the estate has acquired any interest, and the condition and value of the respective portions and lots, and whether the same be community or separate property; the names, ages and residence of the devisees or legatees, if any, and of the heirs of the deceased, which petition shall be verified by the oath of petitioner. If all of said matter cannot be ascertained it shall be so stated in the petition.

SEC. 131. If it shall appear to the Court or Judge by such petition that it is necessary to sell the whole or some part of the real estate for the purposes therein mentioned, or any one of them, such petition shall be filed, and an order thereupon made directing the Clerk to issue a notice to all persons interested in the estate to be and appear before the Court at a time and place specified, not less than three weeks nor more than six weeks from the date of such notice, to show cause why an order should not be granted to authorize the executor or administrator to sell so much of the real estate as may be necessary.

Order to
show cause.

SEC. 132. A copy of such notice shall be personally served on all persons in the county interested in the estate at least five days before the time specified in the notice, or shall be published at least two successive weeks in such newspaper as the Court or Judge shall order; *provided, however*, if all persons interested in the estate signify in writing their assent to such sale, the notice may be dispensed with.

How to be
served.

SEC. 133. The District Court, at the time and place specified in such notice, or at such other time as the hearing may be adjourned to, upon satisfactory proof of the due service or publication of the notice, by affidavit or otherwise, shall proceed to the hearing of the petition and any opposition that may be filed.

Hearing of
application.

SEC. 134. If any of the legatees, devisees or heirs of the deceased are minors, and have a general guardian in the county, a copy of the notice shall be served upon such guardian. If they have no guardian, the Court or Judge shall, at the time of filing said petition, or before proceeding to act upon it, appoint some disinterested person their attorney, for the purpose of appearing for them in the proceeding, and taking care of their interests. The Court or Judge may also, if deemed necessary, appoint such attorney for the heirs, devisees or legatees, if they are unrepresented, whether minors or otherwise, and may likewise appoint an attorney for the creditors if unrepresented.

Attorney
may be
appointed.

SEC. 135. The executor or administrator may be examined and witnesses on the part of any party interested, and process

Witnesses
examined

to compel their attendance and testimony may issue in the same manner and with like effect as in other cases.

Order of sale
of part.

SEC. 136. If it shall appear to the Court that it is necessary to sell a part of the estate, real or personal, and that by a sale of such part the residue of the estate, or some specific part or piece thereof would be greatly injured or diminished or subject to expense, or rendered unprofitable, the Court may authorize the sale of the whole estate, or such part as may be judged necessary and most beneficial for the interests of all concerned.

Order to
specify what.

SEC. 137. The order shall specify the lands to be sold and the terms of the sale, which may be either for cash or on a credit not exceeding one year, payable in gross or installments with interest as the Court may direct. If sold on a credit the purchaser shall give his promissory note with security for deferred payments, which shall also be a lien upon any real estate sold. The tract or tracts of land may be sold in one parcel or in subdivisions, as the executor or administrator shall judge most beneficial to said estate, unless the Court shall otherwise specially direct. If it appears that any part of such real estate has been devised and not charged in such devise with the payment of debts or legacies, the Court shall order that part descending to the heirs to be sold before that devised. Every such sale shall be made at public auction unless, in the opinion of the Court, it would benefit the estate to sell the whole or some part of the real estate at private sale, in which case the Court may order or direct such real estate, or any part thereof, to be sold at either public or private sale, as may be made to appear most beneficial to the estate. If the executor or administrator shall neglect or refuse to make a sale under the order of sale he may be compelled to proceed to sell by order of the Court made on motion after due notice by any party interested.

May apply
for order of
sale.

SEC. 137. If the executor or administrator shall neglect to apply for an order of sale whenever it may be necessary, any person interested in the estate may petition therefor in the same manner as the executor or administrator, and like proceedings shall be had thereon, the notice being also served upon the executor or administrator.

Certified
copy of order.

SEC. 138. Upon making an order of sale, under the provisions of the preceding section, a certified copy of such order shall be delivered by the Clerk to the executor or administrator, who shall thereupon be authorized and required to sell the real estate as directed.

Notice of
time and
place of sale.

SEC. 139. When a sale is ordered, notice of the time and place of holding the same shall be given by posting a copy in three of the most public places of the county in which the land is situated, and by publishing it in a newspaper published in the county, if there be one; if not, then in such paper as the Court may direct, for three weeks successively next before such sale, in which notice the lands and tenements shall be described with common certainty.

SEC. 140. Such sale shall be made in the county where the land is situated, but when the tract of land is situated in two

or more counties, it may be sold in any one of such counties. The sale shall be made between the hours of nine o'clock in the forenoon and five o'clock in the afternoon of the same day, at public auction or private sale, as the Court may have ordered, but the same shall not be sold at private sale, unless the real estate to be sold has been appraised within a year previous to the time of such sale; nor shall the same be sold at private sale for less than two-thirds of its appraised value. If such real estate has not been so appraised, the Court shall appoint three disinterested real estate holders to appraise the same, who shall return their said appraisement under oath to the Court before the sale shall be made.

Sale to be made, where.

Private sale.

Sec. 141. The executor or administrator making any sale of any real estate shall within five days thereafter make and file with the Clerk a return of his proceedings, whereupon the Clerk shall give notice by posting in three public places of the county that the return has been filed and will be heard by the Court at a time and place to be designated in said notice, not less than ten days after such posting, and notify all interested to appear and show cause why said sale should not be confirmed. At the time set, or at such other times as the hearing may be continued to, the Court shall hear the matter and if it shall appear that the proceedings were unfair, or that the sum bid is disproportional to the value, and that a sum exceeding such bid at least ten per cent exclusive of the expense of a new sale may be obtained, the Court shall vacate such sale and direct a new sale to be made, and the proceedings thereon shall be as upon an original order to sell; *provided*, that if an offer of ten per cent or more exclusive of the expense of a new sale shall be made in writing by a responsible person, to the Court or Judge, it shall be discretionary with the Court to accept such offer and confirm the sale to such person or to order a new sale.

Sale may be vacated, when

Sec. 142. If upon the hearing, when all persons interested who desire have been heard for or against, and any testimony that may be offered, it shall appear to the Court that the sale was legally made and fairly conducted, and that the sum bid is not disproportionate to the value of the property sold, or if disproportionate that a greater sum as above specified cannot be obtained, or that the advance bid mentioned in section 141 of this Act be made and accepted, the Court shall confirm the sale and direct proper conveyances to be made and executed, and such sale from that time shall be confirmed and valid; *provided*, that if after such confirmation the purchaser shall neglect or refuse to comply with [the] terms of sale the Court may, on motion of the executor or administrator, and after notice to the purchasers, order a new sale of the property, and if the amount realized on such sale does not cover the bid and expenses of the previous sale, such delinquent purchaser shall be liable for the deficiency.

Order confirming sale.

Sec. 143. Proper conveyances shall thereupon be executed to the purchasers by the executor or administrator. The conveyances so made shall be deemed to convey all the right, title,

Conveyances to contain.

interest and estate of the deceased in the premises at the time of his or her death. When, however, by operation of law or otherwise the estate shall have acquired any right, title or interest in the premises other than or in addition to that of the deceased at the time of his or her death, such right, title or interest shall also be passed by such conveyances.

Before confirmation.

SEC. 144. Before any order is entered confirming the sale it shall be proved to the satisfaction of the Court that notice of the sale was given as in this Act prescribed, and the order of confirmation shall state that such proof was made.

Postponement of sale.

SEC. 145. If at the time appointed for the sale the executor or administrator shall deem it best for the interest of all persons concerned therein that the same should be postponed, he may adjourn the sale from time to time, not exceeding in all sixty days.

Notice of.

SEC. 146. In case of adjournment notice thereof shall be given by a public declaration at the time and place first appointed for the sale, and if the adjournment be for more than one day, further notice shall be given by posting in three public places in the county where the land is situated, or publishing the same, or both, as time and circumstances will admit.

Sale to pay legacies.

SEC. 147. When the testator shall have given any legacy by will that is effectual to pass or charge real estate, and his goods, chattels, rights and credits shall be insufficient to pay a legacy together with his debts and the charges and expenses of administration, the executor or administrator, with the will annexed, may obtain an order to sell his real estate for that purpose, in the same manner and upon the same terms and conditions as hereinbefore provided in case of a sale for the payment of debts.

Payment according to will.

SEC. 148. If a deceased person shall have made provision by will, designating the estate to be appropriated for the payment of debts, expenses of administration, or family expenses, they shall be paid according to the provisions of the will, and out of the estate thus appropriated, so far as the same may be sufficient.

Order not required, when.

SEC. 149. When such provision has been made, or any property directed by will be sold for any purpose, the executor or the administrator, with the will annexed, may proceed to sell, as directed by the will, without an order of the District Court, but he shall be bound to give notice of the sale, and proceed in all respects as if acting under an order of sale from the Court. Such sale shall not be valid until confirmed by the Court.

When insufficient.

SEC. 150. If the provisions made by the will, or the estate appropriated be not sufficient to pay the debts, expenses of administration and family expenses, such part of the estate as shall not have been disposed of by the will, if any, shall be appropriated to that purpose as provided in this Act.

Liable for debts.

SEC. 151. The estate, real and personal, given by will to any devisees or legatees, shall be held liable for the payment of debts, expenses of administration and family expenses in

proportion to the value or amount of the several devises or legacies, except that specific devises or legacies may be exempted, if it shall appear to the Court necessary to carry into effect the intention of the deceased, if there shall be other sufficient estate.

SEC. 152. When the estate given by any will has been sold for the payment of debts and expenses all the devisees and legatees shall be liable to contribute according to their respective interests, to any devisee or legatee from whom the estate devised or bequeathed to him or her may have been taken for the payment of debts or expenses and the District Court, when distribution is made, shall settle the amount of the several liabilities and decree how much each person shall contribute. Contribution

SEC. 153. If a deceased person, at the time of death, was possessed of a contract for the purchase of lands, the interest of deceased in such lands, and under such contract, may be sold in the same manner as if said person had died seized of such land, and the same proceedings shall be had for that purpose as are prescribed in this Act in respect to lands of which a person dies seized, except as hereinafter provided. May be sold.

SEC. 154. Such sale shall be made subject to all payments that may thereafter become due on such contract, and if there be any such payments thereafter to become due, such sale shall not be confirmed by the District Court until the purchaser or purchasers shall execute a bond to the executor or administrator for his benefit and indemnity, and for the benefit and indemnity of the person or persons entitled to the interest of deceased in the land so contracted for. The amount of such bond shall be double the whole amount of payments thereafter to become due on such contract, with such sureties as the District Court or Judge shall approve. Sale, how made.

SEC. 155. Such bond shall be conditioned that the purchaser or purchasers will make all payments for such lands, that shall become due after the date of such sale, and will indemnify the executor or administrator, and the person or persons so entitled, against all demands, costs, charges and expenses, by reason of any covenant or agreement contained in such contract, but if there be no payments thereafter to become due on such contract, no bond shall be required of the purchaser or purchasers. Same.

SEC. 156. Upon the confirmation of such sale, the executor or administrator shall execute to the purchaser or purchasers an assignment of the contract, which assignment shall vest in the purchaser or purchasers all the right, title and interest of the person or persons entitled to the interest of the deceased in the lands sold at the time of the sale, and such purchaser or purchasers shall have the same rights and remedies against the vendor of such lands as the deceased would have if living. Assignment of contract.

SEC. 157. When any sale is made by any executor or administrator, pursuant to the provisions of this Act, of land subject to any mortgage or other lien, which is a valid claim against the estate of the deceased, the purchase money shall be applied, after paying the necessary expenses of the sale, first to the sat- Subject to mortgage.

isfaction of the mortgage or lien and the residue in due course of administration. Such application of the purchase money shall be made without delay and the land shall remain subject to such mortgage or other lien until the purchase money shall have been actually so applied. No lien against any estate shall be affected by the statute of limitations pending the proceedings for the settlement of such estate.

Expenses of
sale.

Sec. 158. In all cases in which lands are sold by an executor or administrator the necessary expenses of the sale shall first be paid out of the proceeds.

Misconduct
in sale.

Sec. 159. If there shall be any neglect or misconduct in the proceedings of an executor or administrator in relation to any sale by which any person interested in the estate shall suffer any damage, the party aggrieved may recover for the same in a suit upon the bond of the executor or administrator or otherwise, as the case may require.

Fraudulent
sale.

Sec. 160. Any executor or administrator who shall fraudulently sell any real estate of his decedent contrary to the provisions of this Act shall be liable on his bond, in double the value of the land sold, as damages, to be recovered in an action by the person or persons having an estate of inheritance therein.

Limitation
of action.

Sec. 161. No action for the recovery of any estate sold by an executor or administrator under the provisions of this Act shall be maintained by any heir or other person claiming under the deceased unless it be commenced within three years next after the sale, saving to minors or others under any legal disability at the time when the right of action shall first accrue the right to commence such action at any time within three years after the removal of the disability.

Account of
sale

Sec. 162. Whenever a sale has been made by an executor or administrator of any property of the estate, real or personal, it shall be his duty to return to the District Court a return of sale thereof within five days after making such sale. If he neglects to make such return he may be punished as for a contempt or his letters may be revoked, one day's notice having first been given him to appear and show cause why he should not be punished for a contempt or his letters should not be revoked, and his appearance may be compelled by attachment or other proper process.

Not to
purchase.

Sec. 163. No executor or administrator shall directly or indirectly purchase any property of the estate he represents.

Take
possession.

Sec. 164. The executor or administrator shall take into his possession all the estate of the deceased real and personal, except that exempted as hereinbefore provided, and shall collect all debts due the deceased. For the purpose of bringing suits to quiet title or for partition of such estate, the possession of the executor or administrator shall be deemed the possession of the heirs or devisees. Such possession of heirs or devisees shall be subject, however, to the possession of the executor or administrator for all other purposes.

May sue and
be sued.

Sec. 165. Actions for the recovery of any property, real or personal, or for the possession, and all actions founded upon

contracts, may be maintained by and against executors and administrators in all cases where the same might have been maintained by or against their respective testators or intestates in their lifetime.

Sec. 166. Executors or administrators may maintain actions against any person or persons, who shall have wasted, destroyed, taken, carried away or converted to his or their own use the goods of their testator or intestate in his lifetime. They may also maintain actions for trespass committed on the real estate of the deceased while living. May sue for trespass.

Sec. 167. Any person or his personal representatives shall have a right of action against the executor or administrator of any testator or intestate who in his lifetime shall have wasted, destroyed, taken, carried away or converted to his own use the goods or chattels of any such person, or committed any trespass on the real estate of such person. May sue for waste.

Sec. 168. When there was a partnership existing between the testator or intestate at the time of his death and any other person, the surviving partner shall have the right to continue in possession of the effects of the partnership, and to settle its business, but the interest of the deceased shall be included in the inventory, and appraised as other property. The surviving partner shall proceed to settle the affairs of the partnership without delay, and shall account to the executor or administrator, and pay over such balance as may from time to time be payable to him in right of his testator or intestate. Upon the application of the executor or administrator the District Judge may, whenever it may appear necessary, order the surviving partner to render an account, and in case of neglect or refusal may, after notice, compel it by attachment; and the executor or administrator may maintain against him any action which the deceased could have maintained. Surviving partner.

Sec. 169. Any administrator may, in his own name, for the use and benefit of all parties interested in the estate, maintain actions on the bond of an executor of any former administrator of the same estate. Action on bond.

Sec. 170. In actions brought by or against executors, it shall not be necessary to join those as parties who have not qualified. Joinder of parties.

Sec. 171. Whenever a debtor of a deceased person shall be unable to pay all his debts, the executor or administrator, with the approval of the District Court, or Judge, may compromise with such debtor and give him a discharge, upon receiving a fair and just dividend of his effects. A compromise may also be authorized in any case when it shall be made to appear to the Court to be just and for the best interests of the estate. Debts compromised.

Sec. 172. When there shall be a deficiency of assets in the hands of an executor or administrator, and when the deceased, in his lifetime, shall have conveyed any real estate or any rights or interests therein with intent to defraud his creditors or to avoid any right debt or duty of any person, or shall have so conveyed such estate that by law the deeds or conveyances

Recovering of property. are void as against creditors, the executor or administrator may, and it shall be his duty, to commence and prosecute to final judgment any proper action for the recovery of the same for the benefit of the creditors, and may also for such benefit sue for and recover all goods, chattels, rights or credits or their value, which may have been so fraudulently conveyed by the deceased in his lifetime, whatever may have been the manner of such fraudulent conveyance.

Same. SEC. 173. No executor or administrator shall be bound to sue for such estate as mentioned in the preceding section for the benefit of the creditors, unless upon application of creditors of the deceased, nor unless such creditors shall pay the costs and expense of such litigation, or give such security therefor as the Court or Judge shall direct.

Disposition. SEC. 174. All real estate so recovered shall be sold for the payment of debts in the same manner as hereinbefore prescribed for sales of real estate by executors or administrators, and the proceeds of all goods, chattels, rights or credits so received shall be applied in payment of debts in the same manner as other personal property in the hands of the executor or administrator.

Contract to be completed. SEC. 175. When any person who is bound by contract in writing to convey any real estate shall die before making the conveyance, the District Court in a proper proceeding therefor may decree that the executor or administrator convey such real estate to the person entitled thereto in all cases where such deceased person, if living, might be compelled to make such conveyance. All persons interested in the estate shall be made parties defendant in such action.

Effect of conveyance. SEC. 176. Every conveyance made in pursuance of a decree of the Court as above provided, shall be as effectual to pass the estate contracted for as fully as if the contracting party himself were living and executed the conveyance himself.

Liable for debts. SEC. 177. No executor or administrator shall be chargeable upon any special promise to answer damages or to pay the debts of the deceased out of his own estate, unless the agreement for that purpose or some memorandum or note thereof is in writing and signed by such executor or administrator, or by some other person by him thereunto specially authorized.

With what chargeable. SEC. 178. Every executor and administrator shall be chargeable in his account with the whole of the estate of the deceased which should come to his possession at the value of the appraisement contained in the inventory, except as hereinafter provided, and with all the interest, profit and income of the estate.

Not to profit or lose by. SEC. 179. He shall not make profit by the increase nor suffer loss by the decrease or destruction of any part of the estate without his fault. He shall account for the excess when he shall sell any part of the estate for more than the appraisement, and if any be sold for less than the appraisement he shall not be responsible for the loss if the sale has been justly made.

SEC. 180. No executor or administrator shall be accountable

for any debts due the deceased that remain uncollected without his fault. Uncollected debts.

SEC. 181. He shall be allowed all necessary expenses in the care and management as well as settlement of the estate, and for his services such fees as provided by law; but when the deceased shall, by his will, make some other provision for the compensation of his executor, this shall be deemed a full compensation for such services, unless the executor files a renunciation, in writing, of all claim for the compensation provided by the will. Expenses and compensation.

SEC. 182. No administrator or executor shall purchase any claim against the estate he represents; and if he shall pay any claim for less than its nominal value he shall not charge in his account more than he has actually paid. Not to purchase claims.

SEC. 183. When no compensation shall have been provided by the will, or the executor shall renounce all claims thereto, he shall be allowed commissions upon the whole amount of the personal estate accounted for by him, as follows: For the first thousand dollars, at the rate of six per cent; for all above that sum and not exceeding five thousand dollars, at the rate of four per cent; for all above five thousand dollars, at the rate of two per cent, and the same commissions shall be allowed to administrators. In all cases such additional allowance may be made by the Court for services in regard to the real estate, when it shall be made to appear that the same is just and reasonable. Commissions

SEC. 184. Within thirty days after the Judge has acted upon the claims filed against the estate, the executor or administrator shall file his first account, under oath, of his administration. Such account shall be itemized, showing the amount of money received and expended by him; the amount of all claims filed against the estate; the names of all claimants; the claims, if any, rejected, and all other matters necessary to show the conditions of the affairs of the estate. Account to be rendered.

SEC. 185. Every executor or administrator shall render and file under oath, a full account and report of his administration whenever he deems it advisable, or shall be directed to do so by the Court on its own motion, or on motion on behalf of any person interested, when it shall appear to the Court to be proper. Same.

SEC. 186. If the executor or administrator fail to render and file his first account within the time specified in section 184, above, it shall be the duty of the Court or Judge to order a citation to issue requiring him to file such account by a time to be stated in said citation as fixed by the Court or Judge, or appear and show cause why he should not be compelled to file said account. If he fail to file said account by the time stated or show cause why he should not, the Court by attachment or other proper process may compel him to file such an account or may revoke his letters in the discretion of the Court and like action may be had in reference to any subsequent account he may be ordered to file. Citation to appear.

SEC. 187. When any account shall be filed by an executor

To give
notice.

or administrator with the Clerk, he shall give notice thereof by posting in three public places of the county and notifying all persons interested in the estate, at a time and place not more than ten days after the posting, to be stated in the notice, to appear and show cause why the account should not be approved and allowed and confirmed.

May contest.

SEC. 188. Any person interested in an estate may contest any account or any item therein of the executor or administrator, by filing in writing with the Clerk, at any time before the hearing on approving the account, his objection. At the time fixed in the notice, or at such further time as the Court may order, the Court shall proceed to hear the matter, when the executor or administrator, or any other person, may be sworn and examined by either party, and the matter shall be adjudged by the Court as law and right demand.

Vouchers.

SEC. 189. In rendering his account the executor or administrator shall produce vouchers for all payments he may have made, which vouchers shall be filed and remain in Court, and he may be examined on oath touching such payments, and also touching any property and effects of the deceased and the disposition thereof. When any such voucher shall be required for other purposes it may be withdrawn on leaving a certified copy on file. If any vouchers be lost, or for other good reason cannot be produced on settlement of an account, the payment may be proved by the oath of one competent witness.

Minors,
guardians
for.

SEC. 190. If there be a minor interested in the estate who has no legally appointed guardian, the Court shall appoint some disinterested attorney to represent him, who, on behalf of the minor, may contest the account as any other person having an interest might contest it. The Court may also appoint an attorney to represent absent heirs and devisees or legatees. All matters, including allowed claims not passed upon on the settlement of any former account, or on making a decree of sale, may be contested by heirs for cause shown.

Settlement
conclusive.

SEC. 191. The settlement of an account and the allowance thereof by the Court shall be conclusive against all persons in any way interested in the estate, saving, however, to all persons laboring under any legal disability their rights to proceed against the executor or administrator, either individually or upon his bond, within two years after their respective disabilities shall cease, and in any action brought by any such person the settlement and allowance of the account shall be presumptive evidence of its correctness.

Proof of
notice.

SEC. 192. No account shall be allowed by the Court until it be first proved that the notice hereinbefore required has been given, and the order or degree shall show that such proof was made to the satisfaction of the Court and shall be conclusive evidence of the fact.

After
authority
ceases.

SEC. 193. Whenever the authority of an executor or administrator shall cease or shall be revoked for any reason, he may be cited by the Court to account, at the instance of the person succeeding to the administration of the same estate, in like

manner as he might have been by any person interested in the estate, during the time he was executor or administrator.

SEC. 194. If the executor or administrator resides out of the county, or absconds or conceals himself so that the citation cannot be personally served, and shall neglect to file an account within twenty days after the time fixed for that purpose, his letters shall be revoked. For failure to account.

SEC. 195. The debts of the estate shall be paid in the following order: First—Funeral expenses. Second—The expenses of the last sickness. Third—Debts having preference by the laws of the United States. Fourth—Judgments rendered against the deceased in his lifetime, and mortgages in order of their date. Fifth—All other demands against the estate. Debts, order of payment.

SEC. 196.—The preference given in the preceding section to a mortgage shall only extend to the proceeds of the property mortgaged. If the proceeds of such property be insufficient to pay the mortgage the part remaining unsatisfied shall be classed with other demands against the estate. Preference to mortgages.

SEC. 197. If the estate be insufficient to pay all the debts of any one class, each creditor of such class shall be paid a dividend in proportion to his claim, and no creditor of any one class shall receive any payment until all of those of the preceding class have been fully paid. Dividends.

SEC. 198. It shall be the duty of the executor or administrator, as soon as he has sufficient funds in his hands to pay the funeral expenses, the expenses of the last sickness, and the allowance made to the family of the deceased, and he may retain in his hands the necessary expenses of administration, but he shall not be obliged to pay any other debt or any legacy until the payment shall have been ordered by the Court. Funeral expenses.

SEC. 199. Upon the settlement of any account of an executor or administrator as in this Act provided, the Court may make an order for the payment of debts as the condition of the estate will warrant. If there shall not be sufficient funds in the hands of the executor or administrator to pay the debts in full, the Court shall specify in the decree the sum to be paid to each creditor. If the whole estate should be exhausted by such payments, such account as is then before the Court shall be the final account and the executor or administrator shall be entitled to his discharge on producing and filing the necessary vouchers and proofs showing that such payments have been made and that he has fully complied with the decree of the Court. Order for payment to creditors.

SEC. 200. If there be any claim not due or any contingent or disputed claim against the estate, the amount thereof or such part of the same as the holder would be entitled to if the claim were due, or established or absolute, shall be paid into Court, where it shall remain to be paid over to the party when he shall become entitled thereto or, if he fail to establish the claim, to be paid over or distributed, as the circumstances of the estate require; *provided*, that if any creditor whose claim has been allowed, but is not yet due, shall appear and consent Claims disputed or not due.

to a deduction therefrom of the legal interest for the time the claim has yet to run, he shall be entitled to be paid accordingly.

Liab. after
decree.

SEC. 201. Whenever a decree shall be made by the Court for the payment of creditors, the executor or administrator shall be personally liable to each creditor for the amount of his claim, or the dividend thereon, and execution may be issued upon such decree as upon a judgment in any other action, in favor of each creditor, and the same proceedings may be had under such execution as if it had been issued upon a judgment. The executor or administrator shall also be liable on his bond to each creditor.

Payment of
legacies.

SEC. 202. When the whole of the debt and liabilities of an estate have been paid, the Court shall proceed to direct the payment of legacies and the distribution of the estate among those entitled, as hereinafter provided; *provided*, the estate is in condition to be closed; if not, then at such time as it thereafter may be in condition.

Final
account.

SEC. 203. Whenever all the property of an estate shall have been sold, or there shall be sufficient funds in his hands for the payment of all debts due by the estate, and the estate be in a proper condition to be closed, the executor or administrator shall render and file his final account and pray a settlement of his administration.

Neglect to
render.

SEC. 204. If he neglects to render and file his final account the same proceedings may be had as prescribed in this Act in regard to the first account to be filed by him, and all the provisions relative to said first account, and the notice and settlement thereof, shall apply to his account for final settlement.

Distribution,
when made.

SEC. 205. When the accounts of an executor or administrator have been settled and a decree for the distribution of the estate made by the Court, the executor or administrator shall without any unnecessary delay distribute the estate remaining in his hands as by the decree directed.

Accounts
confirmed,
when.

SEC. 206. At the time any account comes before the Court for allowance, if there are no exceptions filed by any person interested in the estate, and the account is made to appear to the Court to be correct and according to law, the Court may allow and confirm the account.

Petition of
heirs.

SEC. 207. At any time after the lapse of three months after the issuing of letters testamentary or of administration, any heir, devisee or legatee may present his petition to the Court, praying that the legacy or share of the estate to which he or she is entitled may be given to him or her upon giving bond, with approved security, for the payment of his or her proportion of the debts of the estate.

Notice of.

SEC. 208. Notice of the application shall be given to the executor or administrator personally, and to all persons interested in the estate, in the same manner that notice is required to be given of the settlement of an account of an executor or administrator, or [as] the Court may direct.

Who may
resist.

SEC. 209. The executor or administrator, or any person interested in the estate, may appear and resist the application,

or any other heir, devisee or legatee may make a similar application for himself or herself.

SEC. 210. If, on the hearing, it appears that the estate is but little indebted, and that the share or shares of the party or parties petitioning may be allowed, without injury to the creditors of the estate, the Court shall make a decree in conformity to the prayer of the applicant or applicants; *provided*, that each one of them shall first execute and deliver to the executor or administrator a bond in such sum as shall be designated by the Court or Judge, and with sureties to be approved by the Judge. Such bond shall be made payable to the executor or administrator and conditioned for the payment by the heir, devisee or legatee whenever required of his or her proportion of the debts of the estate.

Decree of distribution.

SEC. 211. Such decree may direct the executor or administrator to deliver to the petitioner or petitioners the whole portion of the estate to which he, she or they may be entitled, or a part only thereof.

Same.

SEC. 212. If in the execution of such decree any partition be necessary between two or more of the parties, it shall be made in the manner hereinafter prescribed.

Partition.

SEC. 213. The costs of such proceedings shall be paid by the applicant, or if there be more than one, shall be apportioned equally amongst them.

Cost of proceedings.

SEC. 214. Whenever any bond has been executed and delivered as above prescribed, and the executor or administrator shall ascertain that it is necessary for the settlement of the estate to require the payment of any part of the money thereby secured, he shall petition the Court for an order requiring the payment, and cause a citation to be issued and served upon the party bound, requiring him or her, at a time and place, not more than ten days after the date of the citation, to be stated therein, to appear and show cause why the order shall not be made. At the hearing the Court, if satisfied of the necessity for such payment to be made, shall make an order accordingly, designating the amount and giving a time in which it shall be paid. If the money be not paid within the time allowed, an action may be maintained by the executor or administrator on the bond.

Payment of bond given.

SEC. 215. When an executor or administrator files his final account, with a petition praying for the allowance and confirmation thereof, he may also include in such petition a prayer for the distribution of the estate, and upon the settlement and allowance of the final account the Court may also decree a distribution of the residue of the estate, if any, among the persons who are by law entitled. If a final account be settled and allowed without a decree of distribution the executor or administrator, or any heir, devisee or legatee, or assignee or grantee of any heir, devisee or grantee, at any time thereafter, may petition the Court for a decree distributing the estate. A statement of the receipts and disbursements of the executor or administrator since the rendition of his final account shall be reported and filed before or at the time of making such dis-

Distribution, when made.

tribution, unless distribution of real estate only be made, and a settlement thereof, together with an estimate of the expense of closing the estate, shall be made by the Court, and shall be included in the decree, or the Court or Judge may order notice of the settlement of such supplementary account.

Form of
decree.

SEC. 216. In the decree the Court shall name the persons and the proportion or parts to which each shall be entitled, and such person shall have the right to demand and recover his or her respective share from the executor or administrator or any other person having the same in possession.

Petition for
distribution.

SEC. 217. When a petition for distribution shall be filed subsequently to the settlement and allowance of the final account, notice of the hearing thereof shall be given and proceedings had in the manner provided herein. In regard to the application for the sale of land by an executor or administrator, the Court may order such further notice to be given as it may deem proper.

Estates in
common.

SEC. 218. When the estate, real or personal, assigned to two or more heirs, devisees or legatees shall be in common and undivided and the respective shares cannot be separated and distinguished, or when property of the estate shall be held in common and undivided with other parties, partition thereof may be made as hereinafter provided.

Petition, who
may file.

SEC. 219. To secure such petition any person interested may file a petition stating the necessary facts, particularly describing the property to be partitioned and the party or parties interested in such property. Upon filing such petition a citation shall issue to all persons interested who shall reside in this State, or their guardians, and to agents, attorneys or guardians, if there be any in this State, or such as reside out of this State, to appear and show cause why a decree of partition should not be made as prayed for. The citation shall specify the estate and the party petitioning for partition, also the time and place for hearing the petition, not more than twenty days from its date, and must be served five days before the hearing at the time specified in the citation or at such further time as the Court may continue the hearing. Upon proof, to the satisfaction of the Court, that the citation has been properly served as above required, the Court shall proceed to hear the petition and the allegation and proofs of the respective parties and decree accordingly.

Citation shall
specify.

Petition may
be filed.

SEC. 220. A petition for partition may be filed at any time before the decree of distribution, and attorneys, guardians and agents appointed and the citation issued, and the petition heard and determined as above provided, in which case the commissioners hereinafter provided for to make partition shall not be appointed until the decree has been made assigning the estate, when the Court, having assigned the estate, may appoint commissioners to partition it as hereinafter provided. But when application is made solely to have partition between the estate administered upon and any other parties, such application may be heard and determined, and partition ordered at any time the Court may direct.

SEC. 221. When the property to be partitioned is entirely personal property the Court or Judge shall appoint three competent, disinterested persons as commissioners for that purpose, who shall be duly sworn by any officer authorized to administer oaths, to faithfully and impartially discharge their duties. A certified copy of the order appointing them, attached to a certified copy of the decree assigning and distributing the estate, shall be given to them as their warrant, and their oath must be endorsed thereon. When the property to be divided is real estate, or partly real and partly personal, one of the three commissioners shall be a practical surveyor. Upon consent of the parties, and when the Court shall deem it proper and just, the Court may appoint one commissioner only, who shall have the same authority and be governed by the same rules as if three were appointed. Commissioners appointed.

SEC. 222. If the real estate to be partitioned shall be in different counties, the Court or Judge, if deemed proper, may appoint commissioners for each county, and in such case the estate in each county shall be divided separately, as if there were no other estate to be partitioned; but the commissioners first appointed shall, unless otherwise directed by the Court, make division of the real estate, wherever situated in this State. In different counties.

SEC. 223. Partition may be made as provided herein, although some of the original heirs, devisees or legatees may have assigned or conveyed their shares to other persons, and such shares shall be partitioned to the person holding the same, in the same manner as they would have been to the heirs, devisees or legatees, had they not transferred their shares. When heirs part with interest.

SEC. 224. The several shares in the real and personal estate shall be set out to each individual in proportion to his or her right, and the real estate by metes and bounds, or such description that the same can be easily distinguished. If two or more of the parties request to have their shares set out so as to be held in common and undivided, such shares may be so partitioned. Shares, how set out.

SEC. 225. When any such real estate cannot be divided without prejudice or inconvenience to the owners, the Court may assign the whole to one or more of the parties entitled to shares therein, who will accept and pay to the other parties interested their just proportion of the true value thereof, or secure the same to their satisfaction, or, in case of the minority of such party or parties, to the satisfaction of the guardian of such minor or minors, and the true value of the estate shall be ascertained and reported by the commissioners or appraisers appointed specially for that purpose. May be assigned to one, when.

SEC. 226. When any tract of land or tenement shall be of greater value than either party's share in the estate to be divided and cannot be divided without injury to the same, it may be set off by the commissioners to any one of the parties, who will accept it and pay, or secure to be paid, to one or more of the others interested, such sum or sums as the commissioners Payment for equalizing.

shall award to make the partition equal, and the commissioners shall make their award accordingly; but such partition shall not be established by the Court until the sums so awarded shall be paid to the parties entitled to the same or secured to their satisfaction.

Estates sold,
proceeds
divided.

SEC. 227. When it cannot otherwise be fairly divided, the whole or any part of the estate, real or personal, may be recommended by the Commissioners to be sold, and if the report be confirmed the Court may order a sale by the executor or administrator or by a commissioner appointed for that purpose, and distribute the proceeds. The sale shall be conducted, reported upon and confirmed in the same manner and under the same rules as in ordinary cases of sales of land by an administrator under this Act.

Estates in
common,
how
partitioned.

SEC. 228. When partition of real estate among heirs, devisees, or legatees shall be required, and such real estate shall be in common and undivided with the real estate of any other person, the commissioner shall first divide and sever the estate of the deceased from the estate in which it lies in common, and such division so made and established by the Court shall be binding upon all the persons interested. The Court may authorize the executor or administrator to bring suit for such partition when deemed necessary.

To be of
equal cash
value.

SEC. 229. In making partition the commissioners shall always have regard to quantity and quality, and may set off quantity against quality, or quality against quantity, so that when the partition is made all the shares partitioned shall be of equal cash value, as near as possible.

Guardians
appointed.

SEC. 230. Before any partition shall be made as provided herein guardians shall be appointed for all minor and insane persons interested in the estate to be divided, and an attorney shall be appointed for all non-resident or absent heirs or other persons interested. The commissioners shall notify all persons interested in the partition, their guardians, agents or attorneys, of the time when they will proceed to make partition, which time shall be as reasonable after their appointment as circumstances will admit or the Court in the order of appointment may fix the time. The commissioners may take testimony, for which purpose any one of them may administer an oath, and they may take all necessary steps to enable them to form a correct judgment upon the matters before them.

Report of
Commis-
sioner.

SEC. 231. The commissioners, when they shall have completed their work, within a reasonable time, [shall] make a report of their proceedings and of the partition made by them, and file the same with the Clerk of the Court. Within fifteen days after the report is filed any person interested may file exceptions to the report, particularly specifying the grounds of objection. A copy of such objection shall be served upon the commissioners and all parties interested in the partition, their guardians, agents or attorneys in the county, before or at the time they are filed, with a notice to such persons that the objecting party will, at a certain time to be mentioned, not later than twenty days after the filing of said report, move the

Court to set aside the report, and for a new partition. At the time specified, or at such other time as the Court may sit, the Court shall proceed to hear the report and exceptions, and may hear proof by either party, and for sufficient reasons the Court may set aside the report, and recommit the partition to the same commissioners, or appoint others, or may confirm the report. If no exceptions shall be filed to the report within the time above specified, the Court, on the expiration of said fifteen days, or at any time thereafter, if the report appears be just and correct and all the proceedings regular, shall confirm the report, and when such report shall be finally confirmed the decree of confirmation and the report shall be recorded by the Clerk, and the Court shall order proper conveyance to be made by the respective parties to one another, or may, if for any reason necessary, appoint a commissioner to make such conveyance or conveyances which, when acknowledged or recorded, shall effectually pass the title.

Report of
Commissioners.

SEC. 232. All questions as to advancement made or alleged to have been made by the deceased to any heirs may be heard and determined by the Court, and shall be specified in the decree distributing the estate, and in the warrant to the commissioners and the final decree of the Court shall be binding on all parties interested in the estate with right, however, of any party to appeal from a final decree of the Court to the Supreme Court as in other action.

Advance-
ments.

SEC. 233. When any estate shall be distributed by the Court or partitioned by commissioners as in this Act provided to any person residing out of this State, and having no agent therein, and it shall be necessary that some person should be authorized to take charge and possession of the same for the benefit of such absent person, the Court may appoint an agent for that purpose and authorize him to take charge of such estate.

Agent for
absentees.

SEC. 234. Such agent shall give a bond to the District Judge in such sum as the Judge shall fix, which bond shall be approved by the Judge and conditioned for the faithful management of, and accounting for the estate, before such agent shall be authorized to receive the same, and the Court may allow a reasonable sum out of the profits of the estate for services and expenses of such agent.

Bond of.

SEC. 235. When the estate shall remain unclaimed in the hands of the agent for a year, it shall be sold under an order of the Court, and the proceeds, deducting the expenses of the sale to be allowed by the Court, shall be paid into the State Treasury, for which the Treasurer shall receipt in duplicate to the agent, one of which the agent shall file in the office of the State Comptroller and the other in the estate matter in the District Court.

Unclaimed
estates.

SEC. 236. The agent shall be liable on his bond for the care and preservation of the estate while in his hands, and for the payment of the proceeds of the sale as required in the preceding section, and may be sued thereon by the State or any person interested.

Liability of
agent.

Certificate to claimant. SEC. 237. When any person shall appear and claim the money paid into the treasury, the District Court having ordered the sale, being first satisfied of his right, shall give him a certificate attested by the Clerk, under the seal of the Court, and upon the presentation of the certificate to the State Comptroller he shall draw his warrant on the Treasurer for the amount.

Decree of discharge. SEC. 238. When the estate has been fully administered, and it is shown by the executor or administrator, by the production of satisfactory vouchers, that he has paid all sums of money due from him, and delivered up on the order of Court all the property of the estate to the parties entitled, and has performed all acts lawfully required of him, the Court shall make a decree discharging him and his sureties from all liability thereafter to be incurred.

Subsequent letters may issue. SEC. 239. The final settlement of an estate shall not prevent a subsequent issuance of letters testamentary or of administration should other property of the estate be discovered, or should it become necessary or proper from any cause that letters should again be issued.

Powers suspended. SEC. 240. Whenever a District Judge has reason to believe from his own knowledge or from credible information that any executor or administrator has wasted, converted to his own use, or mismanaged, or is about to waste or convert to his own use, the property of the estate committed to his charge, or has committed or is about to commit any wrong or fraud upon the estate, or has become incompetent to act, or has permanently removed from the State, or has wrongfully neglected the estate, or has unreasonably delayed the performance of necessary acts in any particular as such executor or administrator, it shall be his duty, by an order entered upon the minutes of the Court, to suspend the powers of such executor or administrator until the matter can be investigated.

Special administrator to be appointed. SEC. 241. During the suspension of the powers of an executor or an administrator, as provided in the preceding section, the District Court, or Judge, if the condition of the estate requires it, may appoint a special administrator to take charge of the effects of the estate, who shall give bond and account as other special administrators are required to do.

Proceedings on suspension. SEC. 242. When such suspension has been made the Clerk shall issue a citation, reciting the order of suspension, to the executor or administrator, to appear before the Court at a time therein to be stated, as fixed by the Court or Judge, to show cause why his letters should not be revoked, said citation to be served by the Sheriff, or other person, as provided in the Civil Practice Act for service of process. If he fail to appear in obedience to the citation, or appearing the Court shall be satisfied that there exists good grounds for his removal, his letters shall be revoked, and letters of administration granted anew, as the case may require.

Who may appear. SEC. 243. Any person interested may appear at the hearing and file allegations in writing, showing that the executor or

administrator should be removed. Such allegations shall be heard and determined by the Court.

SEC. 244. If the executor or administrator has absconded or conceals himself, or has removed or absented himself from the State, the citation may be served by leaving a copy at his last known place of abode and upon his attorney of record, when the Court shall have jurisdiction to proceed as if the citation had been personally served. Executor absconding.

SEC. 245. In such proceedings for the removal of an executor or administrator the Court may compel his attendance by attachment or other proper process and may require him to answer questions, on oath, touching his administration and upon his refusal so to do may commit him to jail until he obey, or may revoke his letters, or both. To compel attendance.

SEC. 246. The Clerk shall enter a minute of all proceedings in matters of estates, as in other actions, and also in the Probate Register. When publication is ordered such publication shall be made daily, or otherwise, as often as during the prescribed period as the paper is regularly issued, unless otherwise provided in this Act. The Court or Judge, however, may prescribe a less number of publications during the period for publication, and the Court or Judge may, for good cause shown, extend or shorten any of the times prescribed in this Act. Minutes of proceedings to be kept.

SEC. 247. Whenever personal notice is required by this Act to be given to any party in the matter of an estate, and no other mode of giving notice is prescribed, it shall be given by citation, which shall be issued by the Clerk under the seal of the Court, and directed to the Sheriff of the proper county, commanding such person to appear before the Court or Judge, as the case may be, at a time and place to be named in the citation; also the nature or character of the proceeding shall be briefly stated in the body thereof. Personal notice, how given.

SEC. 248. The officer to whom a citation is directed, unless otherwise provided herein, or the order of the Court or Judge, shall serve the same by delivering a copy to the person therein named, or to each one of them, if there be more than one, and shall return the original to the Court, according to its direction, indorsing thereon the time and manner of service. Citation, how served.

SEC. 249. All proofs of publication or other mode or modes of giving notice or serving papers may be made by the affidavit of any person competent to be a witness, which affidavit shall be filed, and shall constitute prima facie evidence of such publication or service, as the case may be. Proofs of serving papers.

SEC. 250. When no other time is specially prescribed, citation shall be served at least two days before the return day.

SEC. 251. For the purpose of taking the testimony of a witness or witnesses in other counties of this State, or in other States or Territories, or foreign countries, a commission may be issued as in other cases, and, when issued ex parte no cross interrogatories shall be necessary. Taking testimony in other places.

SEC. 252. All issues of fact in matters of an estate shall be disposed of in the same manner as is by law provided upon

- Issues of fact.** the trial of issues of fact in a common law action. All questions of costs may be determined by the Court, and execution may issue therefor in accordance with the order of the Court.
- Attorney for minors.** SEC. 253. When, upon any proceeding in an estate, an attorney has been appointed for minors or others interested in the estate, such attorney, until another may be appointed, shall represent the party or parties for whom he has been appointed in all subsequent proceedings.
- Setting aside homestead.** SEC. 254. When a decree is rendered setting apart a homestead, a certified copy of such decree shall be recorded in the County Recorder's office where the property is.
- Appeal.** SEC. 255. Any person interested in, affected by, and aggrieved at the decision and decree of the District Court appointing an executor or administrator, revoking letters, allowing a final account, or disallowing it, decreeing a distribution or partition, order or decree, confirming or setting aside a report of commissioners, admitting or refusing a will for probate, and any other decision wherein the amount in controversy equals or exceeds, exclusive of costs, one thousand dollars, may appeal to the Supreme Court of the State, to be governed in all respects as an appeal from a final decision and judgment in action at law.
- Reversed or affirmed.** SEC. 256. Upon an appeal the appellate Court may in its discretion reverse, affirm, or modify the judgment, order or decree appealed from, and as to any or all of the parties, and order a remittitur as in other cases, and may order costs to be paid by any party to the proceedings, or out of the estate as justice may require. Execution for costs may issue out of the District Court.
- Not required.** SEC. 257. An appeal by an executor or administrator as herein provided, who has given an official bond, shall be complete and effectual without an undertaking on appeal.
- Executor removed.** SEC. 258. When an order or decree appointing an executor or administrator shall be reversed on appeal, all lawful acts in administration upon the estate performed by such executor or administrator, if he shall have qualified, shall be as valid as if such order or decree had been affirmed. When an executor or administrator resigns or is removed, a successor may be appointed if a necessity therefor exists, without again proving the death and residence of the deceased.
- Order of distribution.** SEC. 259. When any person having title to any real estate, not otherwise limited by marriage contracts, shall die intestate as to such estate, it shall descend and be distributed subject to the payment of his or her debts in the following manner: First—If there be a surviving husband or wife, and only one child, or the lawful issue of one child, in equal shares to the surviving husband or wife and child or issue of such child. If there be a surviving husband or wife and more than one child living, or one child living and the lawful issue of one or more deceased children, one-third to the surviving husband or wife and the remainder in equal shares to his or her children, and to the lawful issue of any deceased child by right of representation. If there be no child of the intestate living at his or her

death, the remainder shall go to all of his or her lineal descendants, and if all of the said descendants are in the same degree of kindred to the intestate, they shall share equally; otherwise they shall take according to the right of representation. Second—If he or she shall leave no issue the estate shall go to the surviving husband or wife. If he or she shall leave no issue, or husband or wife, the estate shall go to his or her father if living, if not, to his or her mother if living. Third—If there be no issue, nor husband nor wife, nor father nor mother, then in equal shares to the brothers and sisters of the intestate, and to the children of any deceased brother or sister by right of representation. Fourth—If the intestate shall leave no issue, nor husband nor wife, nor father nor mother, and no brother or sister living at his or her death, the estate shall go to the next of kin in equal degree, excepting that when there are two or more collateral kindred in equal degree, but claiming through different ancestors, those who claim through the nearest ancestor shall be preferred to those who claim through ancestors more remote; *provided, however* (fifth), if any person shall die leaving several children, or leaving one child and issue of one or more children, and any such surviving child shall die under age and not having been married, all the estate that came to such deceased child by inheritance from such deceased parent, shall descend in equal shares to the other children of the same parent, and to the issue of any such other children who may have died, by right of representation. Sixth—If at the death of such child, who shall die under age and not having been married, all the other children of his said parent being also dead, and any of them shall have left issue, the estate that came to such child by inheritance from his or her said parent shall descend to all the issue of the other children of the same parent; and if all the said issue are in the same degree of kindred to said child they shall share the said estate equally; otherwise they shall take according to the right of representation. Seventh—If the intestate shall leave no husband, nor wife nor kindred, the estate shall escheat to the State for the support of common schools.

Order of
distribution.

SEC. 260. Every illegitimate child shall be considered as an heir of the person who shall acknowledge himself to be the father of such child by signing in writing a declaration to that effect in the presence of one credible witness, who shall sign the declaration also as a witness, and shall in all cases be considered as heir of the mother and shall inherit in whole or in part, as the case may be, in the same manner as if born in lawful wedlock. The issue of all marriages deemed null in law or dissolved by divorce shall be legitimate.

Illegitimate
child.

SEC. 261. If any illegitimate child shall die intestate without lawful issue and shall not have been acknowledged as above provided, his estate shall descend to his mother, or, in case of her decease, to her heirs at law.

Heirs of.

SEC. 262. The degrees of kindred shall be computed according to the rules of the civil law, and kindred of the half-blood shall inherit equally with those of the whole blood in the same

Degrees of
kindred.

degree, unless the inheritance comes to the intestate by descent, devise or gift from some one of his or her ancestors, in which case all those who are not of the blood of such ancestor shall be excluded from the inheritance.

Advance-
ment.

SEC. 263. Any estate, real or personal, that may have been given by the deceased in his or her lifetime as an advancement to any child or other lineal descendant shall be considered as part of the estate of the intestate, so far as regards the distribution and division thereof among his or her issue, and shall be taken by such child or other lineal descendant towards his or her share of the estate of the deceased.

Same.

SEC. 264. If the amount of such advancement shall exceed the share of the heir so advanced, such heir shall be excluded from any further portion in the distribution and division of the estate, but he or she shall not be required to refund any part of such advancement; and if the amount so received shall be less than his or her share, he or she shall be entitled to as much more as will give him or her his or her full share of the estate of the deceased.

Gifts and
grants.

SEC. 265. No gift or grant shall be deemed to have been made as an advancement unless so expressed in the gift or grant, or charged in writing by the deceased as an advancement, or acknowledged in writing by the child or other descendant to be such.

Value of ad-
vancement.

SEC. 266. If the value of the advancement shall be expressed in the conveyance, or in the charge thereof made by the deceased, or in the acknowledgment of the party receiving it, it shall be considered of that value in the distribution and division of the estate; otherwise it shall be estimated according to its value when given as nearly as the same can be ascertained.

Advance-
ment.

SEC. 267. If any child, or other lineal descendant so advanced, shall die before the person making the advancement leaving issue, the advancement shall be taken into consideration in the distribution and division of the estate, and the amount thereof shall be allowed accordingly by the representatives of the heir so advanced in the like manner as if the advancement had been made directly to them.

Husband
and wife.

SEC. 268. The provisions of this Act, as to the inheritance of the husband and wife from each other, apply only to the separate property of the intestate.

Justice to all
parties.

SEC. 269. This Act shall be liberally construed, to the end that justice may be done all parties, and as speedy settlement of estates at the least expense secured; and all proceedings in matters of estate shall be proceedings of record as other actions and proceedings; and all attorneys for estates or executors or administrators or appointed in the proceedings shall be attorneys of record with like powers and responsibilities as attorneys in other actions and proceedings; and shall be entitled to receive a reasonable compensation, to be paid out of the estate they respectively represent for services rendered, to be allowed by the Court.

SEC. 270. When it shall be made to appear to the Court or

Judge, by affidavit or otherwise, that the value of an estate does not exceed two thousand dollars, the Court or Judge may, if deemed advisable, make an order for a summary administration of such an estate, dispensing with all regular proceedings and notices, except the notice of appointment of the executor or administrator, which shall always be given by publication for four weeks, provided the cost does not exceed five dollars. Creditors of such an estate must file their claims, due or to become due, with the Clerk, within forty days after the first publication of said notice, and within five days thereafter the executor or administrator must act on the claims filed, and present them in three days thereafter to the Judge for his action. Any claim which shall not be filed within said forty days shall be barred forever. The Judge or Court may, however, if deemed proper, order the notice herein provided for to be given by posting, instead of by publication. The Court or Judge must be satisfied that proper notice has been given before decreeing distribution of the estate and discharging the executor or administrator. Every claim which shall have been filed as above provided, allowed by the executor or administrator, and approved by the Judge, shall then, and not till then, be ranked as an acknowledged debt of the estate, to be paid in due course of administration. The administration of the estate may be closed and distribution made at any time after the expiration of the time for the Judge to act on the claims, when it shall appear to the Court that all the debts of the estate, expenses and charges of administration and allowance to the family, if any, have been paid, and the estate in condition to be finally settled. The total of fees and costs of the Clerk in a summary administration shall not exceed fifteen dollars. The provisions of this section shall apply only to estates of which summary administrations shall be ordered.

Regular
proceedings
dispensed
with, when.

SEC. 271. The notice in this Act required to be given by every executor or administrator upon his qualifying shall be in substantially the following form: "Notice of Appointment.— Notice is hereby given that the undersigned has been duly appointed and qualified by the (giving title of the Court) as (executor or administrator, as the case may be,) of the estate of _____, late of said county, deceased. Dated _____."

Form of.

SEC. 272. Inheritance or succession "by right of representation" takes place when the decendants of any deceased heir take the same share or right in the estate of another person that their parents would have taken if living. Posthumous children are considered as living at the death of their parents.

Right of
representa-
tion.

SEC. 273. If any person shall die, or any person who may have died, within this State, seized of any real or personal estate, and leaving no heirs, representatives, devisees or legatees capable of inheriting or holding the same, and in all cases where there is no owner of such estate capable of holding the same, such estate shall escheat to and be vested in the State of Nevada.

Escheated
estates.

When estates
escheat.

SEC. 274. Whenever the Attorney-General shall be informed, or shall have reason to believe, that any real or personal estate has become escheatable to this State for the reasons specified in the preceding section, or that any such estate has for any other reason become escheatable, it shall be his duty to file an information in behalf of the State in the District Court of the county wherein such estate, or any part thereof, is situated, setting forth a description of the estate, the name of the person last lawfully seized, the name of the terre-tenant and persons claiming such estate, if known, and the facts and circumstances in consequence of which said estate is claimed to have become escheated, and alleging that by reason thereof the State of Nevada has by law right to such estate; whereupon, such Court shall order that a citation be issued, to such person or persons, bodies politic or corporate, alleged in such information to hold, possess or claim such estate, requiring them to appear and show cause why such estate should not be vested in the State of Nevada, said citation to be made returnable within the time allowed by law in other civil actions. The Court may also, if deemed advisable, order the citation to be published in a newspaper published in said county (if any), and, if none, then in some other newspaper in this State.

Issue of
citation.

Contesting
same.

SEC. 275. All persons, bodies politic or corporate, named in such information as terre-tenants or claimants to such estate may appear and plead to such proceedings, and may traverse or deny the facts stated in the information—the title of the State to estate therein mentioned—at any time on before the third day of the return day of the citation; and any other person claiming an interest in such estate may appear and be made a defendant, and plead as aforesaid, by motion for that purpose in open Court, within the time allowed for pleading as aforesaid; and if any person shall appear and plead as aforesaid denying the title set up by the State, or traverse any material fact set forth in the information, or issue or issues of fact to be made up, the matter shall proceed as other civil actions on issues of fact, and a survey may be ordered as in other civil actions when the boundary is called in question; and after the issues are tried it shall appear from the facts that the State has good title to the estate in the information mentioned, or any part thereof, or if no defense be made by anyone, judgment shall be rendered that the State be seized thereof, and recover costs of suit against defendants, if any appear.

Appeal may
be taken.

SEC. 276. Any party who shall have appeared to any proceedings as aforesaid, and the Attorney-General, in behalf of the State, shall respectively have the same right to prosecute an appeal or writ of error upon any judgment as aforesaid, as parties in other cases.

Controller to
keep account.

SEC. 277. The State Comptroller shall keep a just and true account of all moneys paid into the treasury, as also of all lands and personal property vested in the estate by escheat; and if, within ten years after any judgment escheating property to the State any person shall appear and claim any money

that may have been paid into the State Treasury on any real or personal property vested in the State by such judgment, such person may file a petition in the District Court, at the seat of government, stating the nature of the claim, with an appropriate prayer for the relief demanded. A copy of such petition shall be served upon the Attorney-General before or at the time of filing the same, who shall, within twenty days thereafter, appear in said proceeding and plead or answer to such petition; or, if the Attorney-General, after examining all the facts, should become convinced that the State had no legal defense against the petition, he may, with the consent of the Court, confess on behalf of the State judgment. If judgment shall not be so confessed the petition shall be considered at issue on the twentieth day after its filing, and may be heard by the Court on that day or at such future day as the Court may order. Upon the hearing the Court shall examine into said claim and hear the allegations and proofs, from which, if the Court shall find that such person is entitled to any money paid into the State Treasury as aforesaid, it shall, by judgment, order and direct the State Comptroller to draw his warrant in favor of such claimant upon the Treasurer for the sum specified in such order, but without interest or cost to the State. If any real estate is the subject of such trial, and the Court finds the claimant entitled to it, the Court shall decree accordingly, which shall be effectual for divesting the interests of the State in or to such real estate, but no costs shall be taxed against the State. A certified copy of the judgment and order directing the Comptroller to draw his warrant for money, shall be a sufficient voucher for him so to do. All persons who shall fail to appear and file their petitions within the time limited as aforesaid shall be forever barred, saving, however, infants, married women, persons of unsound mind and persons beyond the limits of the United States the right to appear and file their petition as aforesaid, at any time within five years after their respective disabilities shall be removed. The Legislature may cause any lands, escheated to the State, or personal estate, other than money, at any time after the judgment of escheat, to be sold, as may be provided by law, and the proceeds paid into the State Treasury, in which case the petitioners shall be entitled to the proceeds thereof, in lieu of such lands or personal estate, and the Court shall decree accordingly.

Controller to
keep account.

Who not
barred.

SEC. 278. The said District Court, upon the filing of the information hereinbefore provided, upon the motion of the Attorney-General, either before or after answer, upon notice to the party or parties claiming the estate, if known, may, sufficient cause therefor being shown, appoint a receiver to take charge of the real estate or personal property, other than money, mentioned in such information, and receive the rents and profits of the same until the title of such property shall be finally settled. Such receiver shall, before entering upon his duties, execute to the State of Nevada a bond in a sum to be fixed by the Court, with sureties to be approved by the

Receiver may
be appointed.

Judge, conditioned to faithfully perform the duties of the trust, and fully account to the party finally adjudged to be entitled to the property. Such party may maintain an action on such bond for any default or damage.

Information
to Attorney-
General.

SEC. 279. Any person furnishing original information to the Attorney-General of any property escheatable to the State, with the necessary evidence to sustain the action of the State in that behalf, shall be entitled to receive, upon the final recovery of such property, five per cent of the value of such property so recovered; *provided*, that the amount so recovered by the person furnishing the information shall not in the aggregate exceed the sum of twenty thousand dollars in any one case; *and provided further*, that one person only shall be entitled to compensation for such service.

Disposition
of money.

SEC. 280. All moneys which have accrued or may hereafter accrue to the State from escheated estates shall be paid into the General Fund, and, if need be, in defraying the current expenses of the Government and the redemption of the Comptroller's warrants.

Proceedings
to apply.

SEC. 281. When not otherwise specially provided in this Act all the provisions of law regulating proceedings in civil cases shall apply in matters of estate, when appropriate, or the same may be applied as auxiliary to the provisions of this Act.

Repeal.

SEC. 282. The Act entitled "An Act to regulate the settlement of the estates of deceased persons," approved November 29, 1861, and all Acts amendatory thereof and supplementary thereto are hereby repealed.

CHAP. CVII.—*An Act to authorize the Board of Regents of the State University of the State of Nevada, at Reno, to lease and purchase land for an Experiment Station Farm.*

[Approved March 23, 1897.]

The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

Experiment
Station farm

SECTION 1. The Board of Regents of the State University of the State of Nevada are hereby authorized to lease a tract of land, not exceeding eighty (80) acres in extent, for a term of years, such land to be convenient to the State University at Reno, Nevada, to be used for an Experiment Station Farm, and, if possible, to obtain an option in the name of the State to purchase such land within the terms of such lease with the proviso in such option that the terms thereof shall be subject to the approval of the Legislature of the State of Nevada, at some subsequent session; *provided*, that said lease and option to purchase shall be approved by the State Board of Examiners.

Rent to be
paid.

SEC. 2. Said Board of Regents are hereby authorized to pay the rent of such leased land out of the appropriations which have been or which may hereafter be made for the contingent expenses of the State University.

CHAP. CVIII.—*An Act relating to the publication of Supreme Court decisions and advertising required by the State of Nevada.*

[Approved March 25, 1897.]

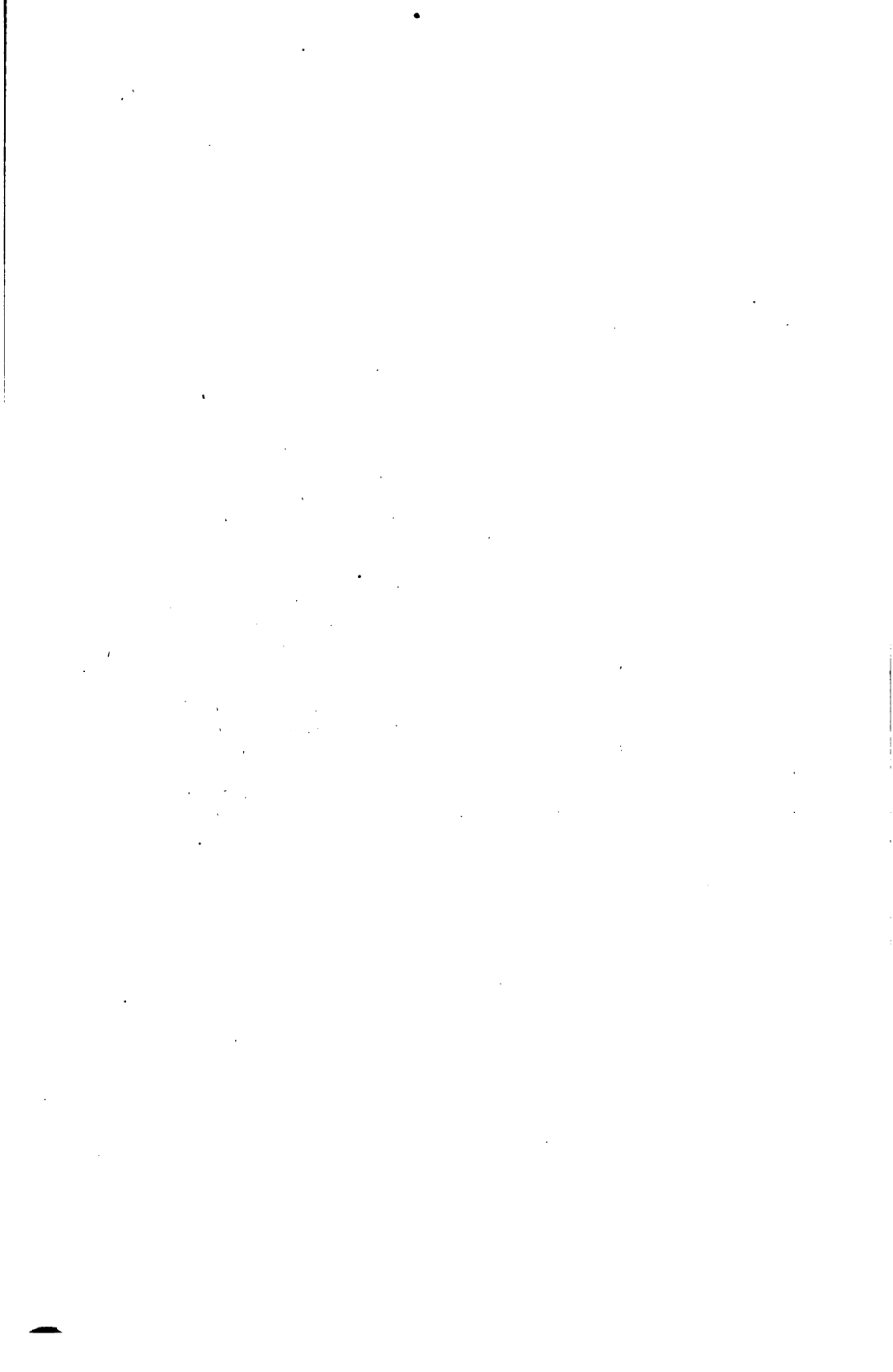
The People of the State of Nevada, represented in Senate and Assembly, do enact as follows :

SECTION 1. The Board of State Printing Commissioners shall select some daily newspaper published in the State of Nevada, to publish the Supreme Court Reports and to do all other advertising required by the State of Nevada, said advertising to consist of the Governor's proclamation, publication for rewards for criminals, monthly money accounts, all bids for proposals for supplies required by the State, or any other public institutions, and lists of all bills allowed by the State Board of Examiners, and such other advertising as may be required by law; *provided*, that such newspapers shall contract to do all of the foregoing printing and advertising at a compensation not to exceed the sum of six hundred dollars per annum.

SEC. 2. The proprietor of such newspaper entering into this contract shall bind himself to perform the work for two years and give bonds to the State of Nevada in the sum of five hundred dollars for the faithful performance of the contract.

SEC. 3. Each decision of the Supreme Court shall be printed in its entirety in a single issue of the paper or supplement, and fifty copies shall be furnished the State free of charge, and delivered to the Clerk of the Supreme Court; printed proofs of the decisions shall be submitted to the Clerk of the Board of Examiners before publication.

SEC. 4. The sum of twelve hundred dollars is hereby appropriated out of the General Fund to pay for the expenses of all said work.



RESOLUTIONS AND MEMORIALS

PASSED AT THE

Eighteenth Session of the Nevada Legislature, 1897



RESOLUTIONS AND MEMORIALS

No. I.—*Assembly Memorial and Joint Resolution, relative to the abandonment of a portion of the Walker River Indian Reservation.*

[Passed February 9, 1897.]

WHEREAS, The Walker River Indian Reservation comprises within its boundaries some valuable mineral lands, and which said mineral lands are entirely worthless to the Indians residing and being upon said reservation; and, Lands worthless to Indians.

WHEREAS, A large number of American citizens are desirous of entering upon said mineral lands for the purpose of prospecting and searching for valuable ores, gold, silver and other precious metals thereon; and,

WHEREAS, That portion of said reservation on which the mineral land is located lies west of the lake, and west of the agricultural and grazing lands on said reservation. Boundaries of mineral lands.

By commencing at a point on the Carson and Colorado railroad, where the said railroad track crosses the boundary line between Lyon and Esmeralda counties, and running in a southerly direction at the base of the mountains to the north end of Walker Lake, thence in a southerly direction along the west margin or bank of said Walker Lake to the south end thereof, thence due south to the southern boundary of said reservation; all east of said line would reserve to the Indians all agricultural and grazing lands and water privileges, while it would exclude from said reservation the mineral lands, which are of no benefit to the Indians, and under the present state of affairs, of no use or benefit to any one; therefore, be it

Resolved by the Assembly, the Senate concurring, That our Senators and Representative in Congress, be, and they are hereby requested to use all possible means to have that portion of said Walker River Reservation, lying west of the line hereinbefore designated, declared open to the citizens of the United States for prospecting and mining purposes. Request to open land.

Resolved, That the Governor cause to be transmitted a copy of this memorial and resolution to each of our Representatives in Congress. Duty of Governor.

No. II.—*Assembly Joint Resolution, relative to establishing a mail route between Belmont, Nye county, and Wilson Creek, Nye county, in the State of Nevada.*

[Passed February 20, 1897.]

To the Congress of the United States :

WHEREAS, The people living between Belmont, Nye county,

Establish-
ment of mail
route.

Nevada, and Wilson Creek, Nye county, Nevada, are now deprived of mail communications, greatly to their annoyance.

Resolved, That your memorialist, the Legislature of the State of Nevada, would respectfully request that a mail route be established between Belmont, Nye county, Nevada, and Wilson Creek, Nye county, Nevada.

Resolved, That the Governor be requested to furnish a copy of the foregoing resolution to our Senators and Representative in Congress.

No. III.—*Assembly Joint Resolution, relative to recognizing the belligerency and independence of Cuba.*

[Passed February 20, 1897.]

To the President and Congress of the United States :

Recognition
of Cuba.

We, your memorialists, the Legislature of the State of Nevada, most respectfully represent and assert, that

WHEREAS, There is now going on in the Island of Cuba a most gallant and praiseworthy struggle for civil liberty and independence, which involves not only the happiness and prosperity of that oppressed people, but their very existence, and

WHEREAS, This struggle was forced upon this unfortunate people by a most extortionate system of taxation and a most tyrannical form of government, and

WHEREAS, This war is attended by the most wanton destruction of property, atrocious cruelties and cowardly outrages on the part of the Spanish soldiers, and

WHEREAS, Such deeds as those, which are daily reported in our press, are an insult to our civilization and a gross reflection upon the valor of any nation which will permit such outrages at her very door, and

WHEREAS, It is our belief that the Spanish are pursuing this war with no hope of every pacifying the Cubans, but solely with a malicious spirit of revenge, therefore be it

Resolved by the Assembly, the Senate concurring, That we most earnestly petition the President and Congress of the United States, not only to acknowledge the Cuban patriots as belligerents, but to acknowledge their independence; and to extend to them all the aid possible consistent with the law of nations.

No. IV.—*Senate Joint Resolution No. 3, relative to exempting a certain section from quarantine by Secretary of Agriculture.*

[Passed March 6, 1897.]

To the Honorable, the Secretary of Agriculture:

Exemption
from
quarantine
requested.

The Legislature of the State of Nevada, respectfully requests you to exempt from the quarantine boundaries of California that section lying north of thirty-seven and east of the crest of the Sierra.

There are no cattle diseases in said section and about seven thousand beeves are ready for market.

The Governor is hereby instructed to telegraph this resolution that no time may be lost.

No. V.—*Senate Joint Resolution, and Memorial to Congress, relative to immigration and protection.*

[Passed March 11, 1897.]

WHEREAS, The Committee of Ways and Means of the House of Representatives has under consideration, the subject of the tariff with a view to farther legislation, emphasizing the principle of protection to American industries; and, Against
foreign
immigration.

WHEREAS, In all such legislation, during the past thirty-five years, the manufacturers have reaped the benefit to the detriment of the tradesman, artisan and laboring man, who have been afforded no protection against the disastrous competition of the undesirable, criminal and pauper classes of foreign countries, arriving on our shores at the rate of half a million annually, assisted hither, in many instances, by government, organized society, or private aid, thus benefiting the country left by relieving the labor market, and injuring this by increasing the number of unemployed, nearly every one reaching this country, during the past fifteen years, being a positive detriment to the people already here; and,

WHEREAS, Millions of our people are suffering for want of employment, and the natural increase of our population will, for an indefinite future, fully supply every demand that any possible development of the country may make, it should be the policy of our Government to afford as full and complete protection to the mechanic, laborer, farmer, merchant, miner, employed and unemployed, as the manufacturer; therefore, be it

Resolved by the Senate, the Assembly concurring, That the Congress of the United States be, and it is hereby memorialized to incorporate, in all tariff legislation, such provisions as will forever prohibit from landing on our shores the undesirable element of the old world by the levy of a tax of \$100 per capita upon every immigrant to hereafter land, or such a tax as shall fully and effectually protect our people from foreign competition;

Resolved, That our Senators in Congress be instructed, and our Representative be requested to use all honorable means to secure such legislation;

Resolved, That the Governor be, and he is hereby requested to forward an engrossed copy of this memorial and resolution to each of our Senators and to our Representative in Congress.

No. VI.—*Senate Joint and Concurrent Resolution No. 8, relative to the rate of postage on fourth-class matter including merchandise, in the United States mails.*

[Passed March 12, 1897.]

Representatives
instructed.

Resolved by the Senate, the Assembly concurring, that our Senators in Congress be, and are hereby instructed, and our Representative in Congress be and hereby is, requested to introduce and support a bill in the Senate of the United States and at the same time a bill in the House of Representatives of the United States, and to use all honorable means to effect their passage, to reduce the rate of postage on fourth-class matter to eight cents per lb., or one cent for each two ounces.

No. VII.—*Senate Joint Resolution concerning the free and unlimited coinage of silver at the legal ratio of sixteen to one, regardless of the action of any foreign nation.*

[Passed March 12, 1897.]

Ratio of
sixteen to
one.

Resolved by the Senate and Assembly conjointly: That gold and silver coins are the money of the Constitution of the United States of America, and that both metals should be equally entitled to coinage at the legal ratio of sixteen to one.

Resolved, That gold is the money of less than twenty per cent of the population of the earth, while silver is the money of more than eighty per cent of the people of the world.

Resolved, That to strike down silver is an atrocious crime, a crime against honesty, liberty, civilization and humanity. It is the legalized robbery of the people by dishonest money changers—the robbery of more than one-half of the property of the country and of more than one-half of the wages of labor.

Resolved, That it was the gold and silver of the Battle Born State of Nevada that saved the Republic during the late Civil War by sustaining its credit; for even then the danger was far less from rebel arms than from the sordid machinations of the remorseless money changers, those human vultures who fatten on the misery of the country, no whit better than their prototypes whom the Savior scourged from the Temple.

Resolved, That the causes that led to the late Civil War were light and trivial in comparison with the dire results that must inevitably follow the suspension of silver coinage. The negro slaves laboring in the Territories of the United States could only degrade free labor to the level of slave labor in proportion to the number of slaves brought into our Territories; even if all the slaves had been brought into the free States it would have meant competition with not more than four millions of white free laborers for that was the total number of slaves in the United States; but the American and foreign money changers now attempt to drag down seventy millions of free Americans to the level of the "effete" East Indians, by con-

tracting the circulating "*media*" to a single standard, thereby putting our seventy millions of free people in competition with four hundred millions of servile East Indian rice eaters who for many ages have been accustomed to subsist on a few cents per day. To strike down silver means cheap wheat, cheap cotton and cheap labor.

Resolved, That it is the duty of the Government to supply a volume of money sufficient to do the business of the country. That according to statistics more than ninety-eight per cent of the business of the country is done with checks, and that of all the gold, silver and currency less than two per cent is used in the country's business. Ratio of sixteen to one.

Resolved, That to contract the volume of money circulation is a crime against honesty, justice, liberty, civilization and humanity. It is a practical confiscation of property because it lessens and almost destroys its value.

Resolved, That we need a new Declaration of Independence which will free America from the financial thralldom of European nations and their Wall Street and National Bank allies.

Resolved, That this Republic is strong enough to have a financial policy of its own, which would insure to the American people all the rights, privileges and blessings which are the natural heritage of every citizen of a republic.

Resolved, That our only relief lies in the *passage* and *enforcement* of an Act for the free and unlimited coinage of silver at the present legal ratio of sixteen to one regardless of the action of any foreign nation.

Resolved, That we most earnestly and respectfully request an American Congress to grant this measure of justice and relief to the distressed and plundered people of this Republic.

Resolved, That the Governor be requested to transmit without delay, an engrossed copy of this resolution, under the Great Seal of the State to our United States Senators and to our Representative in Congress.

No. VIII.—*Assembly Joint Resolution No. 4, relative to election of United States Senators directly by the People.*

[Passed March 10, 1897.]

Resolved by the Assembly, the Senate concurring, that it is the sense of this Legislature that the Constitution of the United States should be amended that United States Senators may be elected by direct vote of the people of each State; and further To amend Constitution.

Resolved, That copies of this resolution be forwarded to each of our Senators in Congress with instructions, and to our Representative in Congress with the request, that they take action toward so amending the Constitution of the United States.

CERTIFICATE.

STATE OF NEVADA, }
DEPARTMENT OF STATE. } ss.

I, Eugene Howell, Secretary of State of the State of Nevada, do hereby certify that the laws and resolutions published in this volume, beginning on page eleven and ending on page one hundred and seventy-three, are full, true and correct copies of the originals, passed during the Eighteenth Session of the Nevada Legislature (1897), as the same appear on file and of record in this office.



In witness whereof, I have hereunto set my hand and affixed the Great Seal of State, at my office in Carson City, Nevada, this 29th day of March, A. D. 1897.

EUGENE HOWELL,
Secretary of State.

CONSTITUTION

OF THE

UNITED STATES OF AMERICA



Constitution of the United States of America.

We, the people of the United States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare, and secure the blessings of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America:

ARTICLE I.

SECTION 1. All legislative powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives. Powers vested in Congress.

SEC. 2.—1. The House of Representatives shall be composed of members chosen every second year by the people of the several States, and the electors in each State shall have the qualifications requisite for electors of the most numerous branch of the State Legislature. Representatives, how chosen.

2. No person shall be a Representative who shall not have attained the age of twenty-five years and been seven years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State in which he shall be chosen. Who eligible.

3. Representatives and direct taxes shall be apportioned among the several States which may be included within this Union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of ten years, and, excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within three years after the first meeting of the Congress of the United States, and within every subsequent term of ten years, in such manner as they shall by law direct. The number of Representatives shall not exceed one for every thirty thousand, but each State shall have at least one Representative; and until such enumeration shall be made, the State of New Hampshire shall be entitled to choose three; Massachusetts, eight; Rhode Island and Providence Plantations, one; Connecticut, five; New York, six; New Jersey, four; Pennsylvania, eight; Delaware one; Maryland, six; Virginia, ten; North Carolina, five; South Carolina, five, and Georgia, three. Original apportionment of Representatives.

4. When vacancies happen in the representation from any

Vacancies,
how filled.

State, the executive authority thereof shall issue writs of election to fill such vacancies.

Powers
House Rep-
resentatives.

5. The House of Representatives shall choose their Speaker and other officers, and shall have the sole power of impeachment.

Relating to
U. S.
Senators.

SEC. 3.—1. The Senate of the United States shall be composed of two Senators from each State, chosen by the Legislature thereof for six years, and each Senator shall have one vote.

U. S.
Senators
classified.

2. Immediately after they shall be assembled in consequence of the first election, they shall be divided as equally as may be into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year, and if vacancies happen, by resignation or otherwise, during the recess of the Legislature of any State, the executive thereof may make temporary appointments until the next meeting of the Legislature, which shall then fill such vacancies.

Vacancies
may be
filled by
Executive.

Age of
eligibility.

3. No person shall be a Senator who shall not have attained the age of thirty years and been nine years a citizen of the United States, and who shall not, when elected, be an inhabitant of that State for which he shall be chosen.

Who
President of
Senate.

4. The Vice-President of the United States shall be President of the Senate, but he shall have no vote unless they be equally divided.

Other offices
provided.

5. The Senate shall choose their other officers, and also a President *pro tempore* in the absence of the Vice-President, or when he shall exercise the office of President of the United States.

Power of
impeachment

6. The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the United States is tried, the Chief Justice shall preside; and no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment
on impeach-
ment.

7. Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit under the United States; but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment, and punishment, according to law.

Time and
place of
electing
Senators and
Representa-
tives.

SEC. 4.—1. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in the State by the Legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the place of choosing Senators.

Congress to
assemble,
when.

2. The Congress shall assemble at least once in every year; and such meeting shall be on the first Monday in December, unless they shall, by law, appoint a different day.

SEC. 5.—1. Each house shall be judge of the elections, returns, and qualifications, of its own members, and a majority

of each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner, and under such penalties, as each house may provide.

Qualification
of, how
judged.

2. Each house may determine the rules of its proceedings, punish its members for disorderly behavior, and, with the concurrence of two-thirds, expel a member.

3. Each house shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either house on any question shall, at the desire of one-fifth of those present, be entered on the Journal.

Proceedings
of published,
when.

4. Neither house, during the session of Congress, shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which the two houses shall be sitting.

May adjourn,
when.

SEC. 6.—1. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the treasury of the United States. They shall in all cases, except treason, felony, and breach of the peace, be privileged from arrest during their attendance at the session of their respective houses, and in going to or returning from the same; and for any speech or debate in either house, they shall not be questioned in any other place.

Compensation of.

Privileged
from arrest,
when.

2. No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the United States, which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the United States shall be a member of either house during his continuance in office.

Ineligible to
other office,
when.

SEC. 7.—1. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments, as on other bills.

Bills for
revenue to
originate,
where.

2. Every bill which shall have passed the House of Representatives and the Senate shall, before it becomes a law, be presented to the President of the United States. If he approve, he shall sign it; but if not, he shall return it, with his objections, to that house in which it shall have originated, who shall enter the objections at large on their Journal, and proceed to reconsider it. If, after such reconsideration, two-thirds of that house shall agree to pass the bill, it shall be sent, together with the objections, to the other house, by which it shall likewise be reconsidered; and if approved by two-thirds of that house, it shall become a law. But in all such cases the votes of both houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the Journal of each house respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.

How bills
may become
laws.

Executive
action
required,
when.

3. Every order, resolution, or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the United States; and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

Powers of
Congress in
detail.

SEC. 8. The Congress shall have power—

1. To lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States; but all duties, imposts and excises shall be uniform throughout the United States.

2. To borrow money on the credit of the United States.

3. To regulate commerce with foreign nations, and among the several States, and with the Indian tribes.

4. To establish an uniform rule of naturalization and uniform laws on the subject of bankruptcies throughout the United States.

5. To coin money, regulate the value thereof and of foreign coin, and fix the standard of weights and measures.

6. To provide for the punishment of counterfeiting the securities and current coin of the United States.

7. To establish postoffices and post roads.

8. To promote the progress of science and useful arts, by securing for limited times to authors and inventors the exclusive right to their respective writings and discoveries.

9. To constitute tribunals inferior to the Supreme Court.

10. To define and punish piracies and felonies committed on the high seas, and offenses against the law of nations.

11. To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water.

12. To raise and support armies; but no appropriation of money to that use shall be for a longer term than two years.

13. To provide and maintain a navy.

14. To make rules for the government and regulation of the land and naval forces.

15. To provide for calling forth the militia to execute the laws of the Union, suppress insurrections, and repel invasions.

16. To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.

17. To exercise exclusive legislation, in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular States, and the acceptance of Congress, become the seat of the Government of the United States, and to exercise like authority over all places purchased by the consent of the Legislature of the State in which the same shall be,

for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; and

18. To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States, or in any department or officer thereof.

SEC. 9.—1. The migration or importation of such persons as any of the States now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year one thousand eight hundred and eight, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person. Inhibitions
in detail.

2. The privilege of the writ of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

3. No bill of attainder, or *ex post facto* law shall be passed.

4. No capitation or other direct tax shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

5. No tax or duty shall be laid on articles exported from any State.

6. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another; nor shall vessels bound to or from one State be obliged to enter, clear, or pay duties in another.

7. No money shall be drawn from the treasury but in consequence of appropriations made by law, and a regular statement and account of the receipts and expenditures of all public money shall be published from time to time.

8. No title of nobility shall be granted by the United States; and no person holding any office of profit or trust under them shall, without the consent of the Congress, accept of any present, emolument, office, or title, of any kind whatever, from any king, prince, or foreign State.

SEC. 10.—1. No State shall enter into any treaty, alliance, or confederation; grant letters of marque and reprisal; coin money; emit bills of credit; make anything but gold and silver coin a tender in payment of debts; pass any bill of attainder, *ex post facto* law, or law impairing the obligation of contracts, or grant any title of nobility.

2. No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws; and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the United States; and all such laws shall be subject to the revision and control of the Congress.

3. No State shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

ARTICLE II.

Executive
power vested.

SECTION 1.—1. The executive power shall be vested in a President of the United States of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Electors,
number of
and how
appointed.

2. Each State shall appoint, in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the State may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the United States, shall be appointed an elector.

[*3. The electors shall meet in their respective States, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same State with themselves. And they shall make a list of all the persons voted for, and of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority, of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately choose by ballot one of them for President; and if no person have a majority, then from the five highest on the list the said House shall in like manner choose the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote; a quorum for this purpose shall consist of a member or members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall choose from them by ballot the Vice-President.]

Who eligible
to the
Presidency.

4. The Congress may determine the time of choosing the electors,† and the day on which they shall give their votes; which day shall be the same throughout the United States.

5. No person except a natural-born citizen, or a citizen of the United States at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office who shall not have attained the age of thirty-five years, and been fourteen years a resident within the United States.

Succession to
Presidency.

6. In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President; and the Congress may by law provide for the case of removal, death, resignation, or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

Compensation
of
President.

7. The President shall, at stated times, receive for his services a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected;

*The portion in brackets has been superseded by the 12th amendment.

†The time for choosing the electors is the first Tuesday after the first Monday in November.

and he shall not receive within that period any other emolument from the United States, or any of them.

8. Before he enters on the execution of his office, he shall take the following oath or affirmation:

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect, and defend the Constitution of the United States."

Presidential
oath.

Sec. 2.—1. The President shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States, when called into the actual service of the United States; he may require the opinion, in writing of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices; and he shall have power to grant reprieves and pardons for offenses against the United States, except in cases of impeachment.

President as
Commander-
in-Chief.

2. He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, Judges of the Supreme Court, and all other officers of the United States whose appointments are not herein otherwise provided for, and which shall be established by law; but the Congress may by law vest the appointment of such inferior officers as they think proper in the President alone, in the courts of law, or in the heads of departments.

Presidential
patronage.

3. The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

Sec. 3. He shall from time to time give to the Congress information of the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient; he may, on extraordinary occasions, convene both houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper; he shall receive ambassadors, and other public ministers; he shall take care that the laws be faithfully executed, and shall commission all the officers of the United States.

To report to
Congress,
when.

Sec. 4. The President, Vice-President, and all civil officers of the United States, shall be removed from office on impeachment for, and conviction of, treason, bribery, or other high crimes and misdemeanors.

How
removed
from office.

ARTICLE III.

SECTION 1. The judicial power of the United States shall be vested in one Supreme Court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The Judges, both of the Supreme and inferior courts, shall hold their offices during good behavior, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

Judicial
power vested.

Judicial
power
limited.

SEC. 2.—1. The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made under their authority; to all cases affecting ambassadors, other public ministers, and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United States shall be a party; to controversies between two or more States; between a State and citizens of another State; between citizens of different States; between citizens of the same State, claiming lands under grants of different States; and between a State, or the citizens thereof, and foreign States, citizens or subjects.

Original
jurisdiction,
when.

2. In all cases affecting ambassadors, other public ministers and consuls and those in which a State shall be a party, the Supreme Court shall have original jurisdiction. In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Trial by jury
guaranteed.

3. The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the State where the said crimes shall have been committed, but when not committed within any State, the trial shall be at such place or places as the Congress may by law have directed.

Treason
defined.

SEC. 3.—1. Treason against the United States shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

Treason
punished.

2. The Congress shall have power to declare the punishment of treason; but no attainder of treason shall work corruption of blood, or forfeiture except during the life of the person attainted.

ARTICLE IV.

Faith and
credit given
acts of State.

SECTION 1. Full faith and credit shall be given in each State to the public acts, records and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved and the effect thereof.

SEC. 2.—1. The citizens of each State shall be entitled to all privileges and immunities of citizens in the several States.

2. A person charged in any State with treason, felony, or other crime, who shall flee from justice, and be found in another State, shall on demand of the executive authority of the State from which he fled, be delivered up, to be removed to the State having jurisdiction of the crime.

3. No person held to service or labor in one State, under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labor, but shall be delivered up on claim of the party to whom such service or labor may be due.

New States
may be
admitted,
how.

SEC. 3.—1. New States may be admitted by the Congress into this Union, but no new State shall be formed or erected within the jurisdiction of any other State, nor any State be formed by the junction of two or more States, or parts of

States, without the consent of the Legislatures of the States concerned, as well as of the Congress.

2. The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States, and nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

Powers of Congress.

Sec. 4. The United States shall guarantee to every State in this Union a republican form of government, and shall protect each of them against invasion, and, on application of the Legislature, or of the executive (when the Legislature cannot be convened), against domestic violence.

Republican form of government guaranteed

ARTICLE V.

The Congress, whenever two-thirds of both houses shall deem it necessary, shall propose amendments to the Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; *provided*, that no amendment which may be made prior to the year one thousand eight hundred and eight shall in any manner affect the first and fourth clauses in the ninth section of the first article, and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

Constitution may be amended, how.

ARTICLE VI.

1. All debts contracted and engagements entered into before the adoption of this Constitution shall be as valid against the United States under this Constitution as under the Confederation.

Debts of Confederation assumed.

2. This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land, and the Judges in every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding.

Supreme law of the land.

3. The Senators and Representatives before mentioned, and the members of the several State Legislatures, and all executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution; but no religious test shall ever be required as a qualification to any office or public trust under the United States.

Certain officers bound by the Constitution.

ARTICLE VII.

The ratification of the conventions of nine States shall be sufficient for the establishment of this Constitution between the States so ratifying the same.

Done in convention by the unanimous consent of the States present, the seventeenth day of September, in the year of our

Date of adoption.

Date of
adoption.

Lord one thousand seven hundred and eighty-seven, and of the Independence of the United States of America the twelfth. In witness whereof we have hereunto subscribed our names.

GEORGE WASHINGTON,
President, and Deputy from Virginia.

New Hampshire—
John Langdon,
Nicholas Gilman.

Massachusetts—
Nathaniel Gorham,
Rufus King.

Connecticut—
William Samuel Johnson,
Roger Sherman.

New York—
Alexander Hamilton.

New Jersey—
William Livingston,
David Brearley,
William Patterson,
Jonathan Dayton.

Pennsylvania—
Benjamin Franklin,
Thomas Mifflin,
Robert Morris,
George Clymer,
Thomas Fitzsimmons,
Jared Ingersoll,
James Wilson,
Gouverneur Morris.

Attest:

Delaware—
George Read,
Gunning Bedford, Jr.,
John Dickinson,
Richard Bassett,
Jacob Broom.

Maryland—
James McHenry,
Dan. of St. Theo. Jenifer,
Daniel Carroll.

Virginia—
John Blair,
James Madison, Jr.

North Carolina—
William Blount,
Richard Dobbs Spaight,
Hugh Williamson.

South Carolina—
John Rutledge
Charles C. Pinckney,
Charles Pinckney,
Pierce Butler.

Georgia—
William Few,
Abraham Baldwin.

WILLIAM JACKSON,
Secretary.

The following named Delegates from other States were present, but did not sign the Constitution:

Massachusetts—
Elbridge Gerry,
Caleb Strong.

Connecticut—
Oliver Ellsworth.

New York—
John Lansing, Jr.,
Robert Yates.

Maryland—
John Francis Mercer,
Luther Martin.

New Jersey—
Wm. C. Houston.

Virginia—
Edmund Randolph,
George Mason,
George Wythe,
James McClurg.

North Carolina—
Alexander Martin.
Wm. R. Davie.

Georgia—
Wm. Pierce,
Wm. Houston.

Of the 63 delegates originally appointed 10 did not attend, 2 of which vacancies were filled. Of those attending, 39 signed and 16 did not.

The Constitution was adopted by the Convention on the 17th of September, 1787, appointed in pursuance of the resolution of the Congress of the Confederation of the 21st of February, 1787, and ratified by the conventions of the several States, as follows:

Delaware, December 7, 1787, unanimously.

Pennsylvania, December 12, 1787, by a vote of 46 to 23.

New Jersey, December 18, 1787, unanimously.

Georgia, January 2, 1788, unanimously.

Connecticut, January 9, 1788, by a vote of 128 to 40.

Massachusetts, February 6, 1788, by a vote of 187 to 168.

Maryland, April 28, 1788, by a vote of 63 to 12.

South Carolina, May 23, 1788, by a vote of 149 to 73.

New Hampshire, June 21, 1788, by a vote of 57 to 47.

Virginia, June 25, 1788, by a vote of 89 to 79.

New York, July 26, 1788, by a vote of 30 to 25.

North Carolina, November 21, 1789, by a vote of 193 to 75.

Rhode Island, May 29, 1790, by a majority of 2.

Vermont, January 10, 1791, by a vote of 105 to 4.

Declared ratified by resolution of the old Congress, September 13, 1788.

[The adoption of the Constitution was opposed by many who believed that the extensive powers granted by it to Congress and the executive would be dangerous to the liberties of the people. It was, however, finally adopted chiefly through the exertions and writings of James Madison, John Jay, and Alexander Hamilton. Virginia ratified the Constitution with the declaration that she was at liberty to withdraw from the Union whenever its powers were used for oppression; and New York, after Hamilton had declared that no State should ever be coerced by an armed force. There were two great parties: The Federalists, in favor of a strong, centralized government, and the Anti-Federalists, supporters of State's rights. Washington and Adams, Federalist leaders, were elected, and the government was organized with Thomas Jefferson, Secretary of State; Alex. Hamilton, Secretary of the Treasury; Henry Knox, Secretary of War, and John Jay, Chief Justice of the Supreme Court.]

AMENDMENTS TO THE CONSTITUTION.

ARTICLE I.*

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people Sectarianism prohibited.

*Twelve amendments were proposed by Congress, September 25, 1789, the last ten were adopted, which are the first ten as shown above, and were proclaimed to be in force December 15, 1791.

The rejected articles were as follows:

I. After the first enumeration required by the first article of the Constitution there shall be one Representative for every 30,000 persons, until the number shall amount to one hundred; after which the proportion shall be so regulated by Congress that there shall not be less than one hundred Representatives for every 40,000 persons, until the number of Representatives shall amount to two hundred; after which the pro-

ple peaceably to assemble, and to petition the Government for a redress of grievances.

ARTICLE II.

Right to
bear arms.

A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed.

ARTICLE III.

Soldiery not
to be
quartered on.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war but in a manner to be prescribed by law.

ARTICLE IV.

Unreason-
able search
inhibited.

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated; and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

ARTICLE V.

Rights of
persons
charged with
crime secured

No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ARTICLE VI.

Rights of
accused
persons.

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the assistance of counsel for his defense.

portion shall be so regulated by Congress that there shall not be less than two hundred Representatives, nor more than one Representative for every 50,000 persons.

II. No law varying the compensation for the services of the Senators and Representatives shall take effect until an election of Representatives shall have intervened.

The twelve proposed amendments were acted upon by the States as follows:

All ratified by Kentucky, Maryland, New Jersey, North Carolina, South Carolina, Vermont and Virginia—7.

All, excepting Article I., ratified by Delaware—1.

All, excepting Article II., ratified by Pennsylvania—1.

All, excepting Articles I. and II., ratified by New Hampshire, New York and Rhode Island—3.

All rejected by Connecticut, Georgia and Massachusetts—3.

ARTICLE VII.

In suits of common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved; and no fact tried by a jury shall be otherwise re-examined in any court of the United States, than according to the rules of the common law.

The common law adopted.

ARTICLE VIII.

Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

Excessive bail and punishment inhibited.

ARTICLE IX.

The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.

Certain rights construed.

ARTICLE X.

The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

States rights defined.

ARTICLE XI.*

The judicial power of the United States shall not be construed to extend to any suit in law or equity commenced or prosecuted against one of the United States by citizens of another State, or by citizens or subjects of any foreign state.

Judicial powers of the United States limited.

ARTICLE XII.†

The electors shall meet in their respective States and vote by ballot for President and Vice-President, one of whom, at least, shall not be an inhabitant of the same State with themselves. They shall name in their ballots the person voted for as President and in distinct ballots the person voted for as Vice-President; and they shall make distinct lists of all persons voted for as President, and of all persons voted for as Vice-President, and of the number of votes for each, which lists they shall sign and certify and transmit, sealed, to the seat of Government of the United States, directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes for President shall be President, if such number be a majority of the whole number of electors appointed; and if no person have such majority, then from the persons having the highest numbers, not exceeding three, on the list of those voted for as President, the House of Representatives shall choose immediately, by ballot, the President. But in choosing the President, the votes shall be taken by States, the representation from each State having one vote. A quorum for this purpose shall consist of a member or

President of the United States, how elected.

*Article XI. was proposed by Congress March 12, 1794, and declared in force January 8, 1798.

†Article XII. was proposed in the first session of the Eighth Congress, and declared in force September 25, 1804.

President of
the United
States, how
elected.

members from two-thirds of the States, and a majority of all the States shall be necessary to a choice. And if the House of Representatives shall not choose a President, whenever the right of choice shall devolve upon them, before the fourth day of March next following, then the Vice-President shall act as President, as in the case of the death or other constitutional disability of the President. The person having the greatest number of votes as Vice-President shall be the Vice-President, if such number be a majority of the whole number of electors appointed; and if no person have a majority, then from the two highest numbers on the list the Senate shall choose the Vice-President; a quorum for the purpose shall consist of two-thirds of the whole number of Senators, and a majority of the whole number shall be necessary to a choice. But no person constitutionally ineligible to the office of President shall be eligible to that of Vice-President of the United States.

ARTICLE XIII.*

Slavery
abolished.

SECTION 1. Neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction.

SEC. 2. Congress shall have power to enforce this article by appropriate legislation.

ARTICLE XIV.†

Citizenship
defined and
rights
secured.

SECTION 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States, and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law, nor deny to any person within its jurisdiction the equal protection of the laws.

SEC. 2. Representatives shall be apportioned among the several States according to their respective numbers, counting the

*Article XIII. was proposed by Congress February 1, 1865, and declared in force December 18, 1865.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Michigan, Massachusetts, Minnesota, Mississippi, Missouri, Nevada, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin—34. Ratified conditionally by Alabama and Mississippi. Rejected by Delaware and Kentucky—2.

†Article XIV. was proposed by Congress June 13, 1866, and declared in force July 28, 1868.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Jersey, New Hampshire, New York, North Carolina, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia and Wisconsin—33.

Of the above Arkansas, Florida, Georgia, Louisiana, Mississippi, North Carolina, South Carolina, Texas and Virginia first rejected the amendment, but finally ratified it. New Jersey and Ohio rescinded their ratification.

Rejected by Delaware, Kentucky and Maryland—3.

No final action was taken by California—1.

whole number of persons in each State, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice-President of the United States, Representatives in Congress, the executive and judicial officers of a State, or the members of the Legislature thereof, is denied to any of the male inhabitants of such State being twenty-one years of age and citizens of the United States, or in any way abridged, except for participation in rebellion or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such State.

Representation
regulated.

SEC. 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or hold any office, civil or military, under the United States, or under any State, who, having previously taken an oath as a member of Congress, or as an officer of the United States, or as a member of any State Legislature, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may, by a vote of two-thirds of each house, remove such disability.

Certain
persons
ineligible to
office.

SEC. 4. The validity of the public debt of the United States authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations, and claims shall be held illegal and void.

Rebellion
debt declared
valid.

Payment of
insurrection-
ary debt
inhibited.

SEC. 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

ARTICLE XV.*

SEC. 1. The right of the citizens of the United States to vote shall not be denied or abridged by the United States, or by any State, on account of race, color, or previous condition of servitude.

SEC. 2. The Congress shall have power to enforce this article by appropriate legislation.

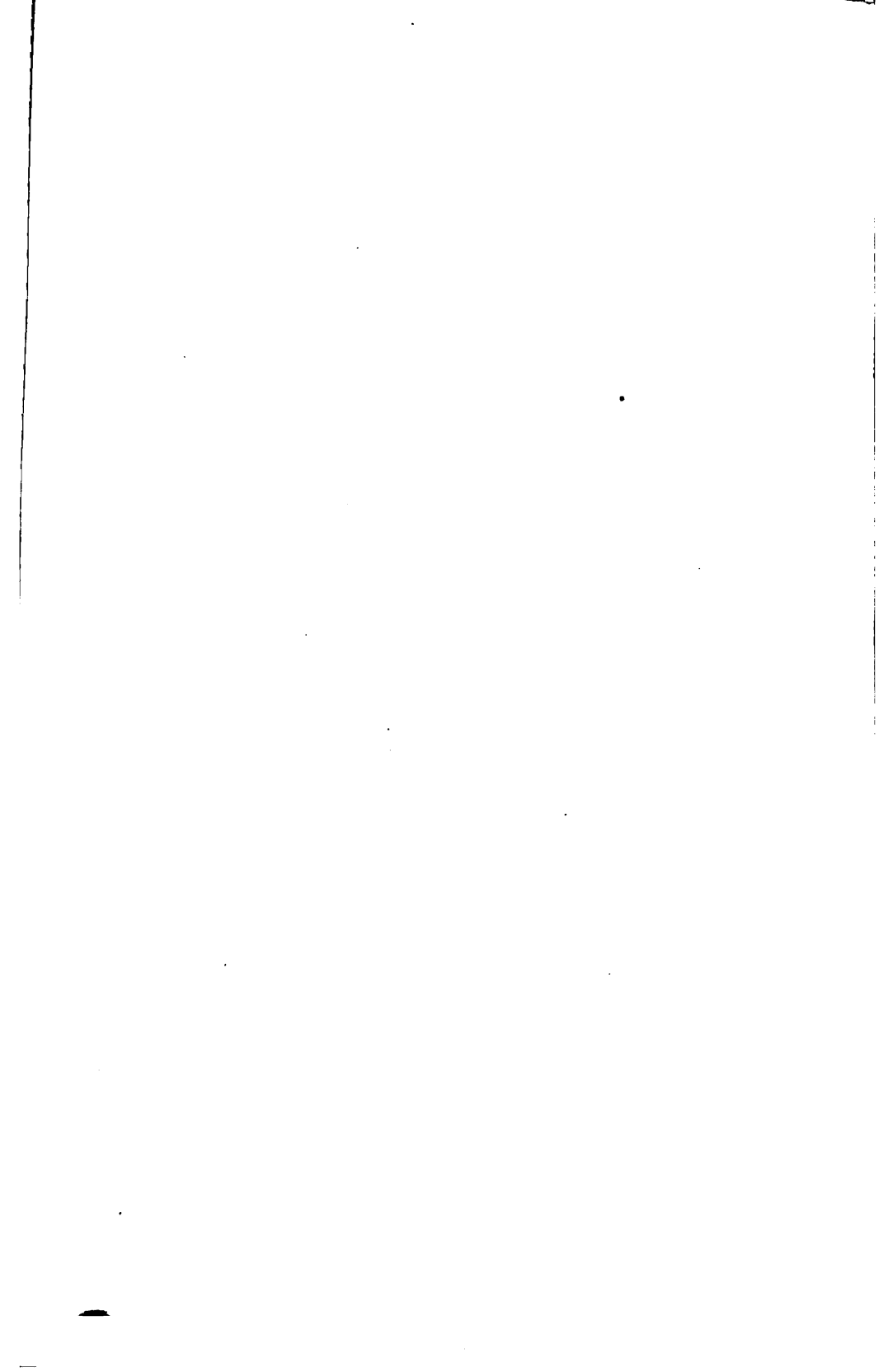
*Article XV. was proposed by Congress February 26, 1869, and declared in force March 30, 1870.

Ratified by Alabama, Arkansas, Connecticut, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, Nevada, New Hampshire, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Texas, Vermont, Virginia, West Virginia and Wisconsin—30.

Of the above, Georgia and Ohio at first rejected but finally ratified. New York rescinded her ratification.

Rejected by California, Delaware, Kentucky, Maryland, New Jersey, and Oregon—6.

No final action was taken by Tennessee—1.



INDEX TO CONSTITUTION OF UNITED STATES.

	PAGE.
Acts, records and judicial proceedings of each State, entitled to faith and credit in other States	184
Amendments to the Constitution, how made.....	185
Appropriations by law. <i>See Treasury</i>	181
Attainder, bill of, prohibited.....	181
Attainder, of treason, shall not work corruption of blood or forfeiture, except during the life of the person attainted	134
Bills for raising revenue, shall originate in the House of Representatives	179
Before they become laws, shall be passed by both houses and approved by the President; or, if disapproved, shall be passed by two-thirds of each house	179
Not returned in ten days, unless an adjournment intervene, shall be considered as approved	179
Capitation tax. <i>See Tax</i>	181
Census, or enumeration, to be made every ten years	177
Claims of the United States, or of the several States, not be prejudiced by any construction of the Constitution	185
Citizens of each State shall be entitled to the privileges and immunities of citizens in the several States.....	184
Of the United States, all persons born in or naturalized are, amendment Article XIV.....	190
Commerce, regulations respecting, to be equal and uniform.....	180
Congress, power to enforce laws against slavery, amendment Article XIII.....	190
Power to secure the right to vote to every citizen, irrespective of race or color, 15th amendment	191
Vested with legislative power.....	177
May alter the regulations of State Legislatures concerning elections of Senators and Representatives, except as to place of choosing Senators.....	178
Shall assemble once every year	178
May provide for cases of removal of President and Vice-President.....	182
May determine time of choosing electors of President and Vice-President.....	182
May invest the appointment of inferior officers in the President alone, in the courts of law or the heads of departments.....	183
May from time to time establish courts inferior to the Supreme Court.....	183
May (with one limitation) declare the punishment of treason.....	184
May prescribe the manner of proving the acts, records and judicial proceedings of each State	184
The assent of, required to the formation of a new State within the jurisdiction of any other, or by the junction of two or more.....	184
May propose amendments to the Constitution, or, on application, call a convention	185
The assent of, required to the admission of new States into the Union.....	184
To lay and collect duties on imposts and excises.....	180
To borrow money	180
To regulate commerce.....	180

	PAGE.
Congress, to establish uniform laws of bankruptcy and naturalization.....	180
To coin money, regulate the value of coin, and fix the standard of weights and measures.....	180
To punish counterfeiting.....	180
To establish postoffices and post-roads.....	180
To authorize patents to authors and inventors.....	180
To constitute tribunals inferior to the Supreme Court.....	180
To define and punish piracies, felonies on the high seas, and offenses against the laws of nations.....	180
To declare war, grant letters of marque, and make rules concerning captures.....	180
To raise and support armies.....	180
To provide and maintain a navy.....	180
To make rules for the government of the army and navy.....	180
To call for the militia in certain cases.....	180
To organize, arm, and discipline militia.....	180
To exercise exclusive jurisdiction over ten miles square.....	180
To pass laws necessary to carry the enumerated powers into effect.....	180
To dispose of and make rules concerning the territory and other property of the United States.....	185
Constitution, formed by the people of the United States, Preamble.....	177
How amended.....	185
And the laws under it, and treaties, declared to be the supreme law.....	185
Rendered operative by the ratification of the conventions of nine States.....	185
Conventions, for proposing amendments to Constitution.....	185
Court, Supreme, its original and appellate jurisdiction.....	184
Courts, inferior to the Supreme Court, may be ordained by Congress.....	183
Crimes, persons accused of, fleeing from justice, may be demanded.....	184
Debts, against the Confederation to be valid against the United States under this Constitution.....	185
Of States in rebellion, prohibition against payment by United States or any State, 14th amendment.....	191
Duties, on exports between States prohibited.....	181
On imports and exports imposed by State shall inure to the Treasury of the United States.....	181
Elections, of Senators and Representatives, shall be prescribed by the State Legislatures, as to time, place and manner.....	178
Qualifications and returns of members of Congress to be determined by each house.....	178
Electors, Presidential, prohibition to certain persons as, who have been engaged in the Rebellion, 14th amendment.....	191
Electors of President and Vice-President, how chosen, and their duties.....	182
And 12th amendment.....	189
Shall vote the same day throughout the United States.....	182
No Senator or Representative holding office under the United States shall serve as.....	182
Enumeration. <i>See Census</i>	177
Executive power shall be vested in a President. <i>See President</i>	182
Exports. <i>See Tax</i> .	
And imports, duties are by States, to be payable into the Treasury of the United States.....	181
Ex post facto law, none shall be passed.....	181
Habeas corpus, writ of, can only be suspended in cases of rebellion or invasion.....	181
House of Representatives. <i>See Representatives</i> .	
House. <i>See Senate</i> .	

	PAGE.
Impeachment, all civil officers liable to.....	183
Persons found guilty by, liable to indictment and punishment for the offense	178
Importation of slaves, until prohibited, a duty authorized on after 1808.....	181
Judges, shall hold their offices during good behavior.....	183
The compensation of, shall not be diminished during continuance in office.....	183
Judicial power, vested in a Supreme Court and Courts inferior.....	182
The cases to which it extends.....	184
Judicial proceedings, records and acts of each State, are entitled to faith and credit in every other State.....	184
Jury trial shall be held in the State where the crime shall have been committed.....	184
If the crime have not been committed within a State, the trial shall be held at the place Congress shall have directed.....	184
Jury, trial by, secured, in prosecutions for all crimes, except in cases of impeachment	184
And in suits at common law, where the value in controversy shall exceed twenty dollars, 7th amendment.....	189
Law, supreme, the Constitution, the laws under it, and treaties declared to be.....	185
Legislative powers, vested in Congress. <i>See Congress</i>	177
Money, shall be drawn from the Treasury only by law appropriating.....	181
Nobility, titles of, shall not be granted by the United States.....	181
Officers of the Senate, except the President, shall be chosen by the Senate.....	178
Civil, may be removed by impeachment	183
Orders of one house, requiring the concurrence of the other. <i>See Resolution</i>	179
Persons held to labor or service, their importation or immigration into the United States may be prohibited after 1808.....	181
Persons escaping from one State into another shall be delivered up to those entitled to service.....	184
Powers not delegated are reserved to the people, or when not prohibited to the States	189
10th amendment.....	189
Legislative. <i>See Congress</i>	177
Executive. <i>See President</i>	182
Judicial. <i>See Judicial</i>	183
Presents, emoluments, office, or title from a foreign king, prince, to persons holding offices of profit or trust, prohibited.....	181
Presidential Electors, prohibition as to having engaged in the Rebellion, 14th amendment.....	190
President of the United States, vested with executive power, shall be chosen for four years.....	182
How elected.....	182
Qualifications for.....	182
Compensation of.....	182
Shall take oath of office.....	183
May be removed by impeachment.....	183
President of the United States, powers of—	
Shall be Commander-in-Chief of army and navy.....	183
May require the written opinions of the heads of departments.....	183
May reprieve and pardon.....	183
May make treaties, with consent of the Senate.....	183
May appoint to office, with consent of the Senate.....	183
Shall fill up vacancies happening during the recess of the Senate.....	183

President of the United States, duties of—	PAGE.
Shall give information to Congress and recommend measures	183
May convene both houses or either house	183
May adjourn them in case of disagreement	183
Shall receive ambassadors and other public ministers	183
Shall take care that the laws be faithfully executed	183
Shall commission all officers of the United States	183
In case of death, etc., office devolves on the Vice-President and on such other officer as may be provided by law	182
Privileges and immunities of citizens of States. <i>See Citizens.</i>	
Property shall not be taken for public use without just compensation, 5th amendment	188
Public debt, created by Rebellion, validity not to be questioned, 14th amendment	191
Quorum, what shall be for business	178
Of States, in choosing a President by the House of Representatives	182
Receipts and expenditures, accounts to be published	181
Rebellion, certain rights lost by citizens engaged in, 14th amendment	191
Rebellion, States in, public debt, prohibition against payment, by the United States or any State, 14th amendment	191
Records. <i>See Judicial Proceedings.</i>	184
Representatives, House of, composed of members chosen every second year	177
Qualifications of the electors of its members	177
Qualifications of members	177
Shall not exceed one for 30,000	177
How apportioned, 14th amendment	190
Shall choose their Speaker and other officers	178
Shall have sole power of impeachment	178
Shall be the judges of the returns, elections and qualifications of members	208
What shall be a quorum of	178
Any number may adjourn, and compel the attendance of absentees	179
May determine the rules of proceeding	179
May punish or expel a member	179
Shall keep a journal, and publish the same, except parts requiring secrecy	179
Shall not adjourn for more than three days, nor to any other place, without the consent of the Senate	179
One-fifth present may require the yeas and nays	179
Shall originate bills for raising revenue	179
Shall receive a compensation, to be ascertained by law	179
Privileged from arrest during attendance, and in going and returning, except in certain cases	179
Shall not be questioned elsewhere for any speech or debate in the House	179
Shall not be appointed to the offices created, or whose compensation has been increased, during the time for which they are elected	179
Can, while serving, hold no office under the United States	179
Shall not serve as primary electors of President	182
Representatives and direct taxes apportioned according to numbers	177
Representation of a State, vacancies in, supplied until a new election by the executive authority thereof	177
Resolution, order, or vote, requiring the concurrence of both houses (except for an adjournment) shall be presented to the President, and undergo the formalities of bills	180
Revenue. <i>See Vessels.</i>	
Rights of the citizen declared to be—	
Liberty of conscience in matters of religion. Amendment	187

Rights of citizens declared to be—	PAGE.
Freedom of speech and of the press.....	187
To assemble and petition.....	187
To keep and bear arms.....	188
To his home against soldiers.....	188
To be secure from unreasonable searches and seizures.....	188
As to offenses charged or committed.....	188
As to private property.....	188
Speedy public trial.....	188
In suits at common law.....	189
As to cruel and unusual punishment.....	189
As to enumerated rights and retained rights.....	189
No State shall deny equal rights to any person within its jurisdiction, 14th amendment.....	190
To vote at any election, 14th amendment.....	190
To vote shall not be denied or abridged on account of race, color or previous condition, 15th amendment.....	191
Rules, each house shall determine its own.....	179
Senate of the United States composed of two Senators from each State.....	178
How chosen, classed, and terms of service.....	178
Qualifications of members, thirty years of age, nine years a citizen, and an inhabitant of the State.....	178
Shall choose their officers, except the President.....	178
Shall be the judge of the elections, returns and qualifications of members.....	178
What number shall be a quorum.....	178
Any number may adjourn, and compel attendance of absentees.....	179
May determine its rules.....	179
May punish or expel a member.....	179
Shall keep a journal, and publish the same, except parts requiring secrecy.....	179
Shall not adjourn for more than three days, nor to any other place, without the consent of the other house.....	179
One-fifth of present may require the yeas and nays.....	179
May propose amendments to bills for raising revenue.....	179
Shall try impeachments.....	178
Their judgments only to extend to removal from office, and to disqualify for any other.....	178
Members may receive a compensation to be ascertained by law.....	179
Privileged from arrest.....	179
Senator shall not be an elector of President.....	182
Senators, prohibition as to having engaged in the Rebellion, 14th amendment.....	191
Shall not be questioned elsewhere for any speech or debate in the house.....	179
Shall not be appointed to offices of the United States, created, or whose emoluments shall have been increased during the terms for which they were elected.....	179
Senators and Representatives, election of, how prescribed.....	178
Slavery, or involuntary servitude, prohibited, amendment Article XIII.....	190
Slaves. <i>See Persons held to service.</i>	
Slaves, claims for payment on account of emancipation declared illegal and void, 14th amendment.....	191
Speaker, how chosen.....	178
States prohibited from—	
Entering into any treaty, alliance or confederation.....	181
Granting letters of marque.....	181
Coining money.....	181
Emitting bills of credit.....	181

	PAGE.
States prohibited from—	
Making anything a tender but gold and silver coin.....	181
Passing bills of attainder, <i>ex post facto</i> laws, or laws impairing contracts.....	181
Granting titles of nobility	181
Laying impost, or duties, on imports and exports for their own use	181
Laying duties on tonnage without the consent of Congress.....	181
Keeping troops or ships of war in time of peace.....	181
Entering into any contract or agreement with another State, or a foreign power	181
Engaging in war, unless invaded, or in imminent danger	181
States, New, may be admitted into the Union	184
States, may be formed within the jurisdiction of others, or by the junction of two or more, with the consent of Congress and the Legislatures concerned.....	184
Judges of, bound to consider the treaties, the Constitution, and the laws under it, as supreme.....	185
Majority of all, necessary to the choice of President.....	182
Each to be guaranteed a republican form of government, protected against invasion, and secured upon application against domestic violence	185
Tax, capitation or direct, shall be laid only in proportion to census	181
On exports from a State prohibited.....	181
Taxes, direct, shall be apportioned according to representation	177
Territory, or property belonging to the United States, Congress may make rules concerning	185
Test, religious, shall not be required.....	185
Titles. <i>See Nobility</i>	181
Title from foreign State. <i>See Presents</i>	181
Treason defined	184
Two witnesses, or confession necessary for conviction.....	184
Punishment of, may be prescribed by Congress, with one limitation.....	184
Treason, or other crime, persons charged with in one State, fleeing into another, shall on demand be delivered up.....	184
Treasury, money drawn from only by appropriation.....	181
Treaties, the supreme law	185
Universal suffrage to all male citizens, 15th amendment.....	191
Vacancies, in office hapening during the recess of the Senate.....	183
In representation in Congress, how filled.....	177
Vessels to enter, clear and pay duties in the States in which they arrive, or from which they depart	181
Vice-President of the United States—	
To be President of the Senate.....	178
How elected.....	182
Qualifications for, 12th amendment	189
Shall in certain cases discharge the duties of President.....	182
May be removed by impeachment.....	183
Vote of one house, requiring the concurrence of the other.....	180
Warrants for searches and seizures, when and how they shall issue, 4th amendment	188
Witness, in criminal cases, no one compelled to be against himself, 5th amendment	188

CONSTITUTION
OF THE STATE OF NEVADA.

Constitution of the State of Nevada.

[As amended up to and including February 11, 1889.]

PRELIMINARY ACTION.

1. WHEREAS, The Act of Congress, approved March twenty-first, A. D. eighteen hundred and sixty-four, "To enable the people of the Territory of Nevada to form a Constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," requires that the members of the convention for framing said Constitution shall, after organization, on behalf of the people of said Territory, adopt the Constitution of the United States; therefore, be it

Preamble.

2. Resolved, That the members of this convention, elected by the authority of the aforesaid enabling Act of Congress, as assembled in Carson City, the capital of said Territory of Nevada, and immediately subsequent to its organization, do adopt, on behalf of the people of said Territory, the Constitution of the United States.

United States Constitution adopted.

ORDINANCE.

3. In obedience to the requirements of an Act of the Congress of the United States, approved March twenty-first, A. D. eighteen hundred and sixty-four, to enable the people of Nevada, to form a Constitution and State government, this convention, elected and convened in obedience to said enabling Act, do ordain as follows—and this ordinance shall be irrevocable without the consent of the United States and the people of the State of Nevada:

Ordinance made irrevocable.

First. That there shall be in this State neither slavery nor involuntary servitude, otherwise than in the punishment for crimes, whereof the party shall have been duly convicted.

Second. That perfect toleration of religious sentiment shall be secured, and no inhabitant of said State shall ever be molested, in person or property, on account of his or her mode of religious worship.

Slavery inhibited.
Freedom to worship secured.

Third. That the people inhabiting said Territory do agree, and declare, that they forever disclaim all right and title to the

Right to
public land
disclaimed.

unappropriated public lands lying within said Territory, and that the same shall be and remain at the sole and entire disposition of the United States; and that lands belonging to citizens of the United States, residing without the said State, shall never be taxed higher than the land belonging to residents thereof; and that no taxes shall be imposed by said State on lands or property therein belonging to, or which may hereafter be purchased by the United States.

PREAMBLE.

Constitution
proclaimed.

4. We, the people of the State of Nevada, grateful to Almighty God for our freedom, in order to secure its blessings, insure domestic tranquility, and form a more perfect government, do establish this

CONSTITUTION.

ARTICLE I.

DECLARATION OF RIGHTS.

Declaration
of rights.

SECTION 1. All men are, by nature, free and equal, and have certain inalienable rights, among which are those of enjoying and defending life and liberty; acquiring, possessing, and protecting property, and pursuing and obtaining safety and happiness.

Paramount
allegiance.

SEC. 2. All political power is inherent in the people. Government is instituted for the protection, security and benefit of the people; and they have the right to alter or reform the same whenever the public good may require it. But the paramount allegiance of every citizen is due to the Federal Government, in the exercise of all its constitutional powers, as the same have been, or may be, defined by the Supreme Court of the United States, and no power exists in the people of this or any other State of the Federal Union to dissolve their connection therewith, or perform any act tending to impair, subvert, or resist the supreme authority of the Government of the United States. The Constitution of the United States confers full power on the Federal Government to maintain and perpetuate its existence, and whensoever any portion of the States, or people thereof, attempt to secede from the Federal Union, or forcibly resist the execution of its laws, the Federal Government may, by warrant of the Constitution, employ armed force in compelling obedience to its authority.

Right of
secession
denied.

Trial by jury
secured.

SEC. 3. The right of trial by jury shall be secured to all, and remain inviolate forever; but a jury trial may be waived by the parties in all civil cases, in the manner to be prescribed by law; and in civil cases, if three-fourths of the jurors agree upon a verdict, it shall stand and have the same force and effect as a verdict by the whole jury; *provided*, the Legislature, by a law passed by a two-thirds vote of all its members, elected to each branch thereof, may require a unanimous verdict, notwithstanding this provision.

SEC. 4. The free exercise and enjoyment of religious pro-

fession and worship, without discrimination or preference, shall forever be allowed in this State; and no person shall be rendered incompetent to be a witness on account of his opinions on matters of his religious belief; but the liberty of conscience hereby secured shall not be so construed as to excuse acts of licentiousness, or justify practices inconsistent with the peace or safety of this State.

Freedom of
worship
secured.

SEC. 5. The privilege of the writ of habeas corpus shall not be suspended, unless when, in case of rebellion or invasion, the public safety may require its suspension.

Habeas
corpus
suspended,
when.

SEC. 6. Excessive bail shall not be required, nor excessive fines imposed; nor shall cruel or unusual punishment be inflicted; nor shall witnesses be unreasonably detained.

Bail, fine and
punishments
limited.

SEC. 7. All persons shall be bailable by sufficient sureties; unless for capital offenses, when the proof is evident or the presumption great.

SEC. 8. No person shall be tried for a capital or other infamous crime (except in cases of impeachment, and in cases of the militia when in actual service, and the land and naval forces in time of war, or which this State may keep, with the consent of Congress, in time of peace, and in cases of petit larceny, under the regulation of the Legislature), except on presentment or indictment of a grand jury, and in any trial, in any court whatever, the party accused shall be allowed to appear and defend in person, and with counsel, as in civil actions. No persons shall be subject to be twice put in jeopardy for the same offense; nor shall he be compelled, in any criminal case, to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation having been first made or secured, except in cases of war, riot, fire, or great public peril, in which case compensation shall be afterward made.

Trial on
indictment
secured.

Not to be
twice put in
jeopardy.

Private
property for
public use.

SEC. 9. Every citizen may freely speak, write, and publish his sentiment on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press. In all criminal prosecutions, and civil actions for libels, the truth may be given in evidence to the jury, and if it shall appear to the jury that the matter charged as libelous is true, and was published with good motives, and for justifiable ends, the party shall be acquitted or exonerated.

Freedom of
speech and
press.

SEC. 10. The people shall have the right freely to assemble together to consult for the common good, to instruct their representatives, and to petition the Legislature for redress of grievances.

Right of
assembly
and petition.

SEC. 11. The military shall be subordinate to the civil power. No standing army shall be maintained by this State in time of peace, and in time of war no appropriation for a standing army shall be for a longer time than two years.

Military es-
tablishment
limited.

SEC. 12. No soldier shall, in time of peace, be quartered in any house without the consent of the owner, nor in time of war except in the manner to be prescribed by law.

Soldier
quartered,
how.

Representa-
tion.

SEC. 13. Representation shall be apportioned according to population.

Debtor's
property
exempt from
forced sale.

SEC. 14. The privilege of the debtor to enjoy the necessary comforts of life shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for payment of any debts or liabilities hereafter contracted; and there shall be no imprisonment for debt, except in cases of fraud, libel, or slander, and no person shall be imprisoned for a military fine in time of peace.

Certain
inhibitions.

SEC. 15. No bill of attainder, *ex post facto* law, or law impairing the obligations of contracts, shall ever be passed.

Rights of
foreigners.

SEC. 16. Foreigners who are, or may hereafter become, *bona fide* residents of this State, shall enjoy the same rights in respect to the possession, enjoyment and inheritance of property as native born citizens.

Slavery
prohibited.

SEC. 17. Neither slavery nor involuntary servitude, unless for the punishment of crimes, shall ever be tolerated in this State.

Search and
seizure
regulated.

SEC. 18. The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable seizures and searches, shall not be violated; and no warrant shall issue but on probable cause, supported by oath or affirmation, particularly describing the place or places to be searched, and the person or persons, and thing or things to be seized.

Treason
defined.

SEC. 19. Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort; and no person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court.

SEC. 20. This enumeration of right shall not be construed to impair or deny others retained by the people.

ARTICLE II.

RIGHT OF SUFFRAGE.

How and by
whom the
franchise
may be
enjoyed.

SECTION 1. Every male citizen of the United States (not laboring under the disabilities named in this Constitution), of the age of twenty-one years and upwards, who shall have actually and not constructively, resided in the State six months, and in the district or county thirty days next preceding any election, shall be entitled to vote for all officers that now are or hereafter may be elected by the people, and upon all questions submitted to the electors at such election; *provided*, that no person who has been or may be convicted of treason or felony in any State or Territory of the United States, unless restored to civil rights; and no person who, after arriving at the age of eighteen years, shall have voluntarily borne arms against the United States, or held civil or military office under the so-called Confederate States, or either of them, unless an amnesty be granted to such by the Federal Government; and no idiot or insane person shall be entitled to the privilege of an elector.

[Amended by striking out the word *white* before the word *male*. Proposed and passed at the Eighth Session of the Legislature, January 15, 1877, Statutes of 1877, page 213; agreed to and passed at the Ninth Session of the Legislature, January 27, 1879, Statutes of 1879, page 149, and approved and ratified by the people at the general election of 1880.]

SEC. 2. For the purpose of voting, no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any almshouse or other asylum, at public expense; nor while confined in any public prison.

Residence defined.

SEC. 3. The right of suffrage shall be enjoyed by all persons, otherwise entitled to the same, who may be in the military or naval service of the United States; *provided*, the votes so cast shall be made to apply to the county and township of which said voters were *bona fide* residents at the time of their enlistment; and *provided further*, that the payment of a poll tax or a registration of such voters shall not be required as a condition to the right of voting. Provision shall be made by law regulating the manner of voting, holding elections, and making returns of such elections, wherein other provisions are not contained in this Constitution.

Soldiers and sailors may vote.

SEC. 4. During the day on which any general election shall be held in this State, no qualified elector shall be arrested by virtue of any civil process.

Civil process suspended.

SEC. 5. All elections by the people shall be by ballot, and all elections by the Legislature, or by either branch thereof, shall be *viva voce*.

Elections by ballot.

SEC. 6. Provisions shall be made by law for the registration of the names of the electors within the counties of which they may be residents, and for the ascertainment, by proper proofs, of the persons who shall be entitled to the right of suffrage, as hereby established, to preserve the purity of elections and to regulate the manner of holding and making returns of the same; and the Legislature shall have power to prescribe by law any other or further rules or oaths as may be deemed necessary, as a test of electoral qualifications.

Electors registered.

SEC. 7. The Legislature shall provide by law for the payment of an annual poll tax of not less than two nor exceeding four dollars from each male person resident in the State, between the ages of twenty-one and sixty years (uncivilized American Indians excepted), one-half to be applied for State and one-half for county purposes; and the Legislature may, in its discretion, make such payment a condition to the right of voting.

Poll tax provided for.

SEC. 8. All persons qualified by law to vote for representatives to the General Assembly of the Territory of Nevada on the twenty-first day of March, A. D. eighteen hundred and sixty-four, and all other persons who may be lawful voters in said Territory on the first Wednesday of September next following, shall be entitled to vote directly upon the question of adopting or rejecting this Constitution.

Who may vote on Constitution.

ARTICLE III.

DISTRIBUTION OF POWERS.

Powers of government.

SECTION 1. The powers of the Government of the State of Nevada shall be divided into three separate departments—the Legislative, the Executive and the Judicial; and no person charged with the exercise of powers properly belonging to one of these departments shall exercise any functions appertaining to either of the others, except in the cases herein expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

Legislative authority vested.

SECTION 1. The legislative authority of this State shall be vested in a Senate and Assembly, which shall be designated "The Legislature of the State of Nevada," and the sessions of such Legislature shall be held at the seat of government of the State.

To convene, when.

SEC. 2. The sessions of the Legislature shall be biennial, and shall commence on the *third* Monday of January next ensuing the election of members of the Assembly, unless the Governor of the State shall, in the *interim*, convene the Legislature by proclamation.

[Amended by changing *first* Monday to *third* Monday in January. Proposed and passed at the Twelfth Session of the Legislature, February 23, 1885, Statutes of 1885, page 151; agreed to and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 165, and approved and ratified by the people at a special election held February 11, 1889.]

Assembly-men chosen.

SEC. 3. The members of the Assembly shall be chosen biennially, by the qualified electors of their respective districts, on the Tuesday next after the first Monday in November, and their term of office shall be two years from the day next after their election.

Senators chosen.

SEC. 4. Senators shall be chosen at the same time and places as members of the Assembly, by the qualified electors of their respective districts, and their term of office shall be four years from the day next after their election.

Who eligible.

SEC. 5. Senators and members of the Assembly shall be duly qualified electors in the respective counties and districts which they represent, and the number of Senators shall not be less than one-third nor more than one-half of that of the members of the Assembly.

Powers of each.

SEC. 6. Each house shall judge of the qualifications, elections, and returns of its own members, choose its own officers (except the President of the Senate) determine the rules of its proceedings, and may punish its members for disorderly conduct, and with the concurrence of two-thirds of all the members elected, expel a member.

SEC. 7. Either House, during the session, may punish, by imprisonment, any person, not a member, who shall have been guilty of disrespect to the House by disorderly or contemptuous behavior in its presence; but such imprisonment shall not extend beyond the final adjournment of the session.

SEC. 8. No Senator or member of Assembly shall, during

the term for which he shall have been elected, nor for one year thereafter, be appointed to any civil office of profit under this State which shall have been created, or the emoluments of which shall have been increased during such term, except such office as may be filled by elections by the people.

Members not to be beneficiaries, when.

SEC. 9. No person holding any lucrative office under the Government of the United States, nor any other power, shall be eligible to any civil office of profit under this State; *provided*, that Postmasters whose compensation does not exceed five hundred dollars per annum, or Commissioners of Deeds, shall not be deemed as holding a lucrative office.

Persons not eligible, when

SEC. 10. Any person who shall be convicted of the embezzlement or defalcation of the public funds of this State, or who may be convicted of having given or offered a bribe to procure his election or appointment to office, or received a bribe to aid in the procurement of office for any other person, shall be disqualified from holding any office of profit or trust in this State, and the Legislature shall, as soon as practicable, provide by law for the punishment of such defalcation, bribery, or embezzlement as a felony.

Disqualified from office holding.

SEC. 11. Members of the Legislature shall be privileged from arrest on civil process during the session of the Legislature, and for fifteen days next before the commencement of each session.

SEC. 12. When vacancies occur in either house, the Governor shall issue writs of election to fill such vacancy.

SEC. 13. A majority of all the members elected to each house shall constitute a quorum to transact business, but a smaller number may adjourn from day to day, and may compel the attendance of absent members in such manner and under such penalties as each house may prescribe.

Rules relating to Legislative procedure.

SEC. 14. Each house shall keep a journal of its own proceedings, which shall be published, and the yeas and nays of the members of either house, on any question, shall, at the desire of any three members present, be entered on the journal.

SEC. 15. The doors of each house shall be kept open during its session, except the Senate while sitting in executive session, and neither shall, without the consent of the other, adjourn for more than three days, nor to any other place than that in which they may be holding their sessions.

SEC. 16. Any bill may originate in either house of the Legislature, and all bills passed by one may be amended in the other.

SEC. 17. Each law enacted by the Legislature shall embrace but one subject, and matter properly connected therewith, which subject shall be briefly expressed in the title; and no law shall be revised or amended by reference to its title only, but, in such case, the Act as revised, or section as amended, shall be re-enacted and published at length.

SEC. 18. Every bill shall be read by sections on three several days in each house, unless, in case of emergency, two-thirds of the house where such bill may be pending shall deem it expedient to dispense with this rule; but the reading of a

bill by sections, on its final passage, shall in no case be dispensed with, and the vote on final passage of every bill or joint resolution shall be taken by yeas and nays, to be entered on the journals of each house; and a majority of all the members elected to each house shall be necessary to pass every bill or joint resolution, and all bills or joint resolutions so passed shall be signed by the presiding officers of the respective houses and by the Secretary of the Senate and Clerk of the Assembly.

Public
moneys, how
disbursed
and
accounted
for.

SEC. 19. No money shall be drawn from the treasury but in consequence of appropriations made by law. An accurate statement of the receipts and expenditures of the public money shall be attached to and published with the laws at every regular session of the Legislature.

Legislative
powers
restricted.

SEC. 20. The Legislature shall not pass local or special laws in any of the following enumerated cases, that is to say: Regulating the jurisdiction and duties of the Justices of the Peace; for the punishment of crimes and misdemeanors; regulating the practice of courts of justice; providing for changing the venue in civil and criminal cases; granting divorces; changing the names of persons; vacating roads, town plots, streets, alleys and public squares; summoning and impaneling grand and petit juries, and providing for their compensation; regulating county and township business; regulating the election of county and township officers; for the assessment and collection of taxes for State, county and township purposes; providing for opening and conducting elections of State, county and township officers, and designating the places of voting; providing for the sale of real estate or personal property belonging to minors or other persons under legal disabilities; giving effect to invalid deeds, wills or other instruments; refunding money paid into the State Treasury, or into the treasury of any county; releasing the indebtedness, liability or obligation of any corporation, association or person to the State, or to any county, town or city of this State. But nothing in this section shall be construed to deny or restrict the power of the Legislature to establish and regulate the compensation and fees of county and township officers; to establish and regulate the rates of freight, passage, toll and charges of railroads, tollroads, ditch, flume and tunnel companies incorporated under the laws of this State or doing business therein.

[As amended. Proposed and passed at the Twelfth Session of the Legislature, February 23, 1885, Statutes of 1885, page 152; agreed to and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 166, and approved and ratified by the people at a special election held February 11, 1889.]

Laws
general and
uniform.

SEC. 21. In all cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

Suit may be
brought
against the
State.

SEC. 22. Provision may be made by general law for bringing suit against the State, as to all liabilities originating after the adoption of this Constitution.

SEC. 23. The enacting clause of every law shall be as follows:

“The People of the State of Nevada, represented in Senate and Assembly, do enact as follows,” and no law shall be enacted except by bill.

SEC. 24. No lottery shall be authorized by this State, nor shall the sale of lottery tickets be allowed. Lottery inhibited.

SEC. 25. The Legislature shall establish a system of county and township government, which shall be uniform throughout the State. County government.

SEC. 26. The Legislature shall provide by law for the election of a Board of County Commissioners in each county, and such County Commissioners shall, jointly and individually, perform such duties as may be prescribed by law.

SEC. 27. Laws shall be made to exclude from serving on juries all persons not qualified electors of this State, and all persons who shall have been convicted of bribery, perjury, forgery, larceny, or other high crimes, unless restored to civil rights; and laws shall be passed regulating elections, and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult, or other improper practice. Who may be excused from juries.

SEC. 28. No money shall be drawn from the State Treasury as salary or compensation to any officer or employe of the Legislature, or either branch thereof, except in cases where such salary or compensation has been fixed by a law in force prior to the election or appointment of such officer or employe, and the salary or compensation so fixed shall neither be increased or diminished so as to apply to any officer or employe of the Legislature, or either branch thereof, at such session; *provided*, that this restriction shall not apply to the first session of the Legislature. Compensation fixed by law.

SEC. 29. The first regular session of the Legislature under this Constitution may extend to ninety days, but no subsequent regular session shall exceed sixty days, nor any special session convened by the Governor exceed twenty days. Legislative session limited.

SEC. 30. A homestead, as provided by law, shall be exempt from forced sale under any process of law, and shall not be alienated without the joint consent of husband and wife, when the relation exists; but no property shall be exempt from sale for taxes or for the payment of obligations contracted for the purchase of said premises, or for the erection of improvements thereon; *provided*, the provisions of this section shall not apply to any process of law obtained by virtue of a lien given by the consent of both husband and wife; and laws shall be enacted providing for the recording of such homestead within the county in which the same shall be situated. Homestead exempt from forced sale.

SEC. 31. All property, both real and personal, of the wife, owned or claimed by her before marriage, and that acquired afterward by gift, devise, or descent, shall be her separate property, and laws shall be passed more clearly defining the rights of the wife in relation, as well to her separate property as to that held in common with her husband. Laws shall also be passed providing for the registration of the wife's separate property. Separate property of wife.

Power of
Legislature
over county
officers.

SEC. 32. The Legislature shall have power to increase, diminish, consolidate, or abolish the following county officers: County Clerks, County Recorders, Auditors, Sheriffs, District Attorneys, County Surveyors, Public Administrators, and Superintendents of Schools. The Legislature shall provide for their election by the people, and fix by law their duties and compensation. County Clerks shall be *ex officio* Clerks of the courts of record and of the Boards of County Commissioners in and for their respective counties.

[As amended. Proposed and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 161; agreed to and passed at Fourteenth Session of the Legislature, January 17, 1889, Statutes of 1889, page 151, and approved and ratified by the people at a special election held February 11, 1889.]

Compensation of
Legislators.

SEC. 33. The members of the Legislature shall receive for their services a compensation to be fixed by law, and paid out of the public treasury; but no increase of such compensation shall take effect during the term for which the members of either house shall have been elected; *provided*, that an appropriation may be made for the payment of such actual expenses as members of the Legislature may incur for postage, express charges, newspapers and stationery, not exceeding the sum of sixty dollars for any general or special session, to each member; *and, furthermore provided*, that the Speaker of the Assembly, and Lieutenant-Governor, as President of the Senate, shall each, during the time of their actual attendance as such presiding officers, receive an additional allowance of two dollars per diem.

Election of
United
States
Senators.

SEC. 34. In all elections for United States Senators, such elections shall be held in joint convention of both houses of the Legislature. It shall be the duty of the Legislature, which convenes next preceding the expiration of the term of such Senator, to elect his successor. If a vacancy in such Senatorial representation from any cause occur, it shall be the duty of the Legislature then in session, or at the succeeding session thereof, to supply the vacancy. If the Legislature shall, at any time, as herein provided, fail to unite in a joint convention within twenty days after the commencement of the session of the Legislature for the election of such Senator, it shall be the duty of the Governor, by proclamation, to convene the two houses of the Legislature in joint convention within not less than five days, nor exceeding ten days, from the publication of his proclamation; and the joint convention, when so assembled, shall proceed to elect the Senator, as herein provided.

Executive
action on
bills.

SEC. 35. Every bill which may have passed the Legislature shall, before it becomes a law, be presented to the Governor. If he approve it, he shall sign it; but if not, he shall return it, with his objections, to the house in which it originated, which house shall cause such objections to be entered upon its journal and proceed to reconsider it. If, after such reconsideration, it again pass both houses by yeas and nays, by a vote of two-thirds of the members elected to each house, it shall become a law, notwithstanding the Governor's objections. If any bill shall not be returned within five days after it shall have been

presented to him (Sundays excepted), exclusive of the day on which he received it, the same shall be a law in like manner as if he had signed it, unless the Legislature, by its final adjournment, prevent such return, in which case it shall be a law unless the Governor, within ten days next after the adjournment (Sundays excepted) shall file such bill, with his objections thereto, in the office of the Secretary of State, who shall lay the same before the Legislature at its next session, in like manner as if it had been returned by the Governor; and if the same shall receive the vote of two-thirds of the members elected to each branch of the Legislature, upon a vote taken by yeas and nays, to be entered upon the journals of each house, it shall become a law.

May become law after veto.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this State shall be vested in a chief magistrate, who shall be Governor of the State of Nevada.

Executive power vested.

SEC. 2. The Governor shall be elected by the qualified electors at the time and places of voting for members of the Legislature, and shall hold his office for four years from the time of his installation, and until his successor shall be qualified.

Governor elected.

SEC. 3. No person shall be eligible to the office of Governor who is not a qualified elector, and who, at the time of such election, has not attained the age of twenty-five years, and who, except at the first election under the Constitution, shall not have been a citizen resident of this State for two years next preceding the election.

Who eligible to office of Governor.

SEC. 4. The returns of every election for Governor, and other State officers voted for at the general election, shall be sealed up and transmitted to the seat of government, directed to the Secretary of State; and on the third Monday of December succeeding such election, the Chief Justice of the Supreme Court and the Associate Justices, or a majority thereof, shall meet at the office of the Secretary of State and open and canvass the election returns for Governor and all other State officers, and forthwith declare the result and publish the names of the persons elected. The persons having the highest number of votes for the respective offices shall be declared elected; but in case any two or more have an equal and the highest number of votes for the same office, the Legislature shall, by joint vote of both houses, elect one of said persons to fill said office.

Disposition of election returns.

SEC. 5. The Governor shall be Commander-in-Chief of the military forces of this State, except when they shall be called into the service of the United States.

Military authority of Governor.

SEC. 6. He shall transact all executive business with the officers of the Government, civil and military, and may require information in writing from the officers of the executive department upon any subject relating to the duties of their respective offices.

Duties of Governor.

SEC. 7. He shall see that the laws are faithfully executed.

May fill
vacancies.

SEC. 8. When any office shall, from any cause, become vacant, and no mode is provided by the Constitution and laws for filling such vacancy, the Governor shall have the power to fill such vacancy by granting a commission, which shall expire at the next election and qualification of the person elected to such office.

May convene
Legislature.

SEC. 9. The Governor may on extraordinary occasions, convene the Legislature by proclamation, and shall state to both houses, when organized, the purpose for which they have been convened; and the Legislature shall transact no legislative business except that for which they were especially convened, or such other legislative business as the Governor may call to the attention of the Legislature while in session.

Message to
Legislature.

SEC. 10. He shall communicate, by message, to the Legislature at every regular session, the condition of the State and recommend such measures as he may deem expedient.

May adjourn
Legislature.

SEC. 11. In case of a disagreement between the two houses, with respect to the time of adjournment, the Governor shall have power to adjourn the Legislature to such time as he may think proper; *provided*, it be not beyond the time fixed for the meeting of the next Legislature.

Certain
persons
ineligible.

SEC. 12. No person shall, while holding any office under the United States Government, hold the office of Governor, except as herein expressly provided.

Duties of
Governor as
to fines and
forfeitures.

SEC. 13. The Governor shall have the power to suspend the collection of fines and forfeitures, and grant reprieves for a period not exceeding sixty days, dating from the time of conviction, for all offenses, except in cases of impeachment. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the Legislature at its next meeting, when the Legislature shall either pardon, direct the execution of the sentence, or grant a further reprieve. And if the Legislature shall fail or refuse to make final disposition of such case, the sentence shall be enforced at such time and place as the Governor, by his order, may direct. The Governor shall communicate to the Legislature, at the beginning of every session, every case of fine or forfeiture remitted, or reprieve, pardon, or commutation granted, stating the name of the convict, the crime of which he was convicted, the sentence, its date, and the date of the remission, commutation, pardon, or reprieve.

Personnel of
Board of
Pardons.

SEC. 14. The Governor, Justices of the Supreme Court, and Attorney-General, or a major part of them, of whom the Governor shall be one, may, upon such conditions and with such limitations and restrictions as they may think proper, remit fines and forfeitures, commute punishments, and grant pardons, after convictions, in all cases, except treason and impeachments, subject to such regulations as may be provided by law relative to the manner of applying for pardons.

Seal of State.

SEC. 15. There shall be a seal of this State, which shall be kept by the Governor, and used by him officially, and shall be called "The Great Seal of the State of Nevada."

SEC. 16. All grants and commissions shall be in the name

and by the authority of the State of Nevada, sealed with the seal of the State, signed by the Governor and countersigned by the Secretary of State.

Grants in name of State.

SEC. 17. A Lieutenant-Governor shall be elected at the same time and places, and in the same manner as the Governor, and his term of office and his eligibility shall also be the same. He shall be President of the Senate, but shall only have a casting vote therein. If, during a vacancy of the office of Governor, the Lieutenant-Governor shall be impeached, displaced, resign, die, or become incapable of performing the duties of the office, or be absent from the State, the President *pro tempore* of the Senate shall act as Governor, until the vacancy be filled or the disability cease.

Election and duties of Lieutenant-Governor.

SEC. 18. In case of the impeachment of the Governor, or his removal from office, death, inability to discharge the duties of the said office, resignation, or absence from the State, the powers and duties of the office shall devolve upon the Lieutenant-Governor for the residue of the term, or until the disability shall cease. But when the Governor shall, with the consent of the Legislature, be out of the State in time of war, and at the head of any military force thereof, he shall continue Commander-in-Chief of the military forces of the State.

Lieutenant-Governor to succeed Governor.

SEC. 19. A Secretary of State, a Treasurer, a Controller, a Surveyor-General, and an Attorney-General, shall be elected at the same time and places, and in the same manner as the Governor. The term of office of each shall be the same as is prescribed for the Governor. Any elector shall be eligible to either of said offices.

State officers, terms of office.

SEC. 20. The Secretary of State shall keep a true record of the official acts of the legislative and executive departments of the government, and shall, when required, lay the same, and all matters relative thereto, before either branch of the Legislature.

Duties Secretary of State.

SEC. 21. The Governor, Secretary of State and Attorney-General shall constitute a Board of State Prison Commissioners, which Board shall have such supervision of all matters connected with the State Prison as may be provided by law. They shall also constitute a Board of Examiners, with power to examine all claims against the State (except salaries or compensation of officers fixed by law), and perform such other duties as may be prescribed by law. And no claim against the State (except salaries or compensation of officers fixed by law) shall be passed upon by the Legislature without having been considered and acted upon by said Board of Examiners.

Personnel of Board State Prison Commissioners and Board of Examiners.

SEC. 22. The Secretary of State, State Treasurer, State Controller, Surveyor-General, Attorney-General and Superintendent of Public Instruction shall perform such other duties as may be prescribed by law.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The Judicial power of this State shall be vested in a Supreme Court, District Courts, and in Justices of the

Judicial power vested.

Peace. The Legislature may also establish courts for municipal purposes only in incorporated cities and towns.

Supreme
Court, how
constituted.

SEC. 2. The Supreme Court shall consist of a Chief Justice and two Associate Justices, a majority of whom shall constitute a quorum; *provided*, that the Legislature, by a majority of all the members elected to each branch thereof, may provide for the election of two additional Associate Justices, and, if so increased, three shall constitute a quorum. The concurrence of a majority of the whole court shall be necessary to render a decision.

Election of
Justices of.

SEC. 3. The Justices of the Supreme Court shall be elected by the qualified electors of the State at the general election, and shall hold office for the term of six years from and including the first Monday of January next succeeding their election; *provided*, that there shall be elected, at the first election under this Constitution, three Justices of the Supreme Court, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and continue in office thereafter two, four and six years, respectively, from and including the first Monday of January next succeeding their election. They shall meet as soon as practicable after their election and qualification, and at their first meeting shall determine by lot the term of office each shall fill, and the Justice drawing the shortest term shall be Chief Justice, and after the expiration of his term, the one having the next shortest term shall be Chief Justice, after which the senior Justice in commission shall be Chief Justice. And in case the commission of any two or more of said Justices shall bear the same date, they shall determine by lot who shall be Chief Justice.

Rank of
Justice.

Jurisdiction
and powers
of.

SEC. 4. The Supreme Court shall have appellate jurisdiction in all cases in equity; also in all cases at law in which is involved the title or right of possession to, or the possession of, real estate or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine, or in which the demand (exclusive of interest) or the value of the property in controversy exceeds three hundred dollars; also in all other civil cases not included in the general subdivision of law and equity, and also on questions of law alone, in all criminal cases in which the offense charged amounts to felony. The Court shall also have power to issue writs of *mandamus*, *certiorari*, prohibition, *quo warranto* und *habeas corpus*, and also all writs necessary or proper to the complete exercise of its appellate jurisdiction. Each of the Justices shall have power to issue writs of *habeas corpus* to any part of the State upon petition by, or on behalf of, any person held in actual custody, and may make such writs returnable before himself or the Supreme Court, or before any District Court in the State, or before any Judge of said Courts.

State divided
into judicial
districts.

SEC. 5. The State is hereby divided into nine judicial districts, of which the county of Storey shall constitute the first; the county of Ormsby the second; the county of Lyon the third; the county of Washoe the fourth; the counties of Nye

and Churchill the fifth; the county of Humboldt the sixth; the county of Lander the seventh; the county of Douglas the eighth; and the county of Esmeralda the ninth. The county of Roop shall be attached to the county of Washoe for judicial purposes until otherwise provided by law. The Legislature may, however, provide by law for an alteration in the boundaries or divisions of the districts herein prescribed, and also for increasing or diminishing the number of judicial districts and Judges therein. But no such change shall take effect except in case of a vacancy, or the expiration of the term of an incumbent of the office. At the first general election under this Constitution there shall be elected in each of the respective districts (except as in this section hereafter otherwise provided), one District Judge, who shall hold office from and including the first Monday of December, A. D. eighteen hundred and sixty-four, and until the first Monday of January in the year eighteen hundred and sixty-seven. After the said first election, there shall be elected at the general election which immediately precedes the expiration of the term of his predecessor, one District Judge in each of the respective judicial districts (except in the first district, as in this section hereinafter provided). The District Judges shall be elected by the qualified electors of their respective districts, and shall hold office for the term of four years (excepting those elected at the said first election) from and including the first Monday of January next succeeding their election and qualification; *provided*, that the First Judicial District shall be entitled to, and shall have, three District Judges, who shall possess coextensive and concurrent jurisdiction, and who shall be elected at the same times, in the same manner, and shall hold office for the like terms, as herein prescribed in relation to the Judges in other judicial districts. Any one of said Judges may preside on the empaneling of grand juries, and the presentment and trial on the indictments under such rules and regulations as may be prescribed by law.

State divided
into judicial
districts.

Manner of
electing
Judges.

SEC. 6. The District Courts in the several judicial districts of this State shall have original jurisdiction in all cases in equity; also in all cases at law which involve the title or the right of possession to, or the possession of, real property or mining claims, or the legality of any tax, impost, assessment, toll, or municipal fine, and in all other cases in which the demand (exclusive of interest), or the value of the property in controversy exceeds three hundred dollars; also, in all cases relating to the estates of deceased persons, and the persons and estates of minors and insane persons, and of the action of forcible entry and unlawful detainer; and also in all criminal cases not otherwise provided for by law. They shall, also, have final appellate jurisdiction in cases arising in Justice Courts, and such other inferior tribunals as may be established by law. The District Courts and the Judges thereof shall have power to issue writs of *mandamus*, *injunction*, *quo warranto*, *certiorari*, and all other writs proper and necessary to the complete exercise of their jurisdiction; and also shall have power to issue

Jurisdiction
of District
Courts.

writs of habeas corpus on petition by, or on behalf of, any person held in actual custody in their respective districts.

SEC. 7. The times of holding the Supreme Court and the District Courts shall be as fixed by law. The terms of the Supreme Court shall be held at the seat of government, and the terms of the District Courts shall be held at the county seats of their respective counties; *provided*, that in case any county shall be hereafter divided into two or more districts, the Legislature may, by law, designate the places of holding courts in such districts.

Jurisdiction
of Justices'
Courts.

SEC. 8. The Legislature shall determine the number of Justices of the Peace to be elected in each city and township of the State, and shall fix, by law, their powers, duties and responsibilities: *provided*, that such Justices' Courts shall not have jurisdiction of the following cases, viz.: First—Of cases in which the matter in dispute is a money demand or personal property, and the amount of the demand (exclusive of interest) or the value of the property, exceeds three hundred dollars. Second—Of cases wherein the title to real estate or mining claims, or questions of boundaries to land, is or may be involved; or of cases that in any manner shall conflict with the jurisdiction of the several courts of record in this State; *and*, *provided further*, that Justices' Courts shall have such criminal jurisdiction as may be prescribed by law; and the Legislature may confer upon said courts jurisdiction, concurring with the District Courts, of actions to enforce mechanics' liens, wherein the amount (exclusive of interest) does not exceed three hundred dollars; and also of actions for the possession of lands and tenements, where the relation of landlord and tenant exists, or when such possession has been unlawfully or fraudulently obtained or withheld. The Legislature shall also prescribe, by law, the manner, and determine the cases, in which appeals may be taken from Justices' and other courts. The Supreme Court, the District Courts, and such other courts as the Legislature shall designate, shall be courts of record.

Possible
municipal
courts.

SEC. 9. Provision shall be made, by law, prescribing the powers, duties and responsibilities of any municipal court that may be established in pursuance of section one of this article; and also fixing by law the jurisdiction of said court, so as not to conflict with that of the several courts of record.

SEC. 10. No judicial officer, except Justices of the Peace and City Recorder, shall receive, to his own use, any fees or perquisites of office.

Eligibility to
office limited.

SEC. 11. The Justices of the Supreme Court and the District Judges shall be ineligible to any office, other than a judicial office, during the term for which they shall have been elected; and all elections or appointment of any such Judges, by the people, Legislature or otherwise, during said period, to any office other than judicial, shall be void.

Matters of
practice.

SEC. 12. Judges shall not charge juries in respect to matters of fact, but may state the testimony and declare the law.

SEC. 13. The style of all process shall be "The State of

Nevada," and all prosecutions shall be conducted in the name and by the authority of the same.

SEC. 14. There shall be but one form of civil action, and law and equity may be administered in the same action.

SEC. 15. The Justices of the Supreme Court and District Judges shall each receive, quarterly, for their services, a compensation to be fixed by law, and which shall not be increased or diminished during the term for which they shall have been elected, unless in case a vacancy occurs, in which case the successor of the former incumbent shall receive only such salary as may be provided by law at the time of his election or appointment; and provision shall be made by law for setting apart from each year's revenue a sufficient amount of money to pay such compensation; *provided*, that District Judges shall be paid out of the county treasuries of the counties composing their respective districts.

Compensation of judicial officers.

SEC. 16. The Legislature at its first session, and from time to time thereafter, shall provide by law that, upon the institution of each civil action and other proceedings, and also upon the perfecting of an appeal in any civil action or proceeding in the several courts of record in this State, a special court fee or tax shall be advanced to the Clerks of said courts, respectively, by the party or parties bringing such action or proceeding, or taking such appeal; and the money so paid in shall be accounted for by such Clerks, and applied towards the payment of the compensation of the Judges of said courts, as shall be directed by law.

Relating to court fees.

SEC. 17. The Legislature shall have no power to grant leave of absence to a judicial officer, and any such officer who shall absent himself from the State for more than ninety consecutive days, shall be deemed to have vacated his office.

Leave of absence of judicial officers limited.

SEC. 18. No judicial officer shall be superseded, nor shall the organization of the several Courts of the Territory of Nevada be changed until the election and qualification of the several officers provided for in this article.

ARTICLE VII.

IMPEACHMENT AND REMOVAL FROM OFFICE.

SECTION 1. The Assembly shall have the sole power of impeaching. The concurrence of a majority of all the members elected shall be necessary to an impeachment. All impeachments shall be tried by the Senate, and when sitting for that purpose, the Senators shall be upon oath or affirmation to do justice according to law and evidence. The Chief Justice of the Supreme Court shall preside over the Senate while sitting to try the Governor or Lieutenant-Governor upon impeachment. No person shall be convicted without the concurrence of two-thirds of the Senators elected.

Powers of impeachment conferred.

SEC. 2. The Governor and other State and judicial officers, except Justices of the Peace, shall be liable to impeachment for misdemeanor or malfeasance in office; but judgment in such case shall not extend further than removal from office and dis-

Who may be impeached.

qualification to hold any office of honor, profit or trust under this State. The party, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment, and punishment according to law.

Judicial
officers, how
impeached.

SEC. 3. For any reasonable cause, to be entered on the journals of each house, which may or may not be sufficient grounds for impeachment, the Chief Justice and Associate Justices of the Supreme Court and Judges of the District Courts shall be removed from office on the vote of two-thirds of the members elected to each branch of the Legislature, and the Justice or Judge complained of shall be served with a copy of the complaint against him, and shall have an opportunity of being heard in person or by counsel in his defense; *provided*, that no member of either branch of the Legislature shall be eligible to fill the vacancy occasioned by such removal.

SEC. 4. Provision shall be made by law for the removal from office of any civil officer, other than those in this article previously specified, for malfeasance or nonfeasance in the performance of his duties.

ARTICLE VIII.

MUNICIPAL AND OTHER CORPORATIONS.

SECTION 1. The Legislature shall pass no special Act in any matter relating to corporate powers, except for municipal purposes; but corporations may be formed under general laws, and all such laws may, from time to time, be altered or repealed.

Property of
corporations
taxed.

SEC. 2. All real property and possessory rights to the same, as well as personal property in this State, belonging to corporations now existing or hereafter created, shall be subject to taxation the same as property of individuals; *provided*, that the property of corporations formed for municipal, charitable, religious, or educational purposes may be exempted by law.

SEC. 3. Dues from corporations shall be secured by such means as may be prescribed by law; *provided*, that corporators in corporations formed under the laws of this State shall not be individually liable for the debts or liabilities of such corporations.

SEC. 4. Corporations created by or under the laws of the Territory of Nevada shall be subject to the provisions of such laws until the Legislature shall pass laws regulating the same, in pursuance of the provisions of this Constitution.

SEC. 5. Corporations may sue and be sued in all courts, in like manner as individuals.

Certain paper
money
interdicted.

SEC. 6. No bank notes or paper of any kind shall ever be permitted to circulate as money in this State, except the Federal currency and the notes of banks authorized under the laws of Congress.

SEC. 7. No right of way shall be appropriated to the use of any corporation until full compensation be first made or secured therefor.

SEC. 8. The Legislature shall provide for the organization

of cities and towns by general laws, and restrict their powers of taxation, assessment, borrowing money, contracting debts, and loaning their credit, except for procuring supplies of water. Credit of cities and towns limited.

SEC. 9. The State shall not donate or loan money or its credit, subscribe to or be interested in the stock of any company, association or corporation, except corporations formed for educational or charitable purposes. State forbidden to speculate.

SEC. 10. No county, city, town, or other municipal corporation shall become a stockholder in any joint stock company, corporation or association whatever, or loan its credit in aid of any such company, corporation or association, except railroad corporations, companies or associations. Limitation of county indebtedness.

ARTICLE IX.

FINANCE AND STATE DEBT.

SECTION 1. The fiscal year shall commence on the first day of January in each year.

SEC. 2. The Legislature shall provide by law for an annual tax sufficient to defray the estimated expenses of the State for each fiscal year; and whenever the expenses of any year shall exceed the income, the Legislature shall provide for levying a tax sufficient, with other sources of income, to pay the deficiency, as well as the estimated expense of such ensuing year or two years.

SEC. 3. For the purpose of enabling the State to transact its business upon a cash basis, from its organization, the State may contract public debts; but such debts shall never in the aggregate, exclusive of interest exceed the sum of three hundred thousand dollars, except for the purpose of defraying extraordinary expenses, as hereinafter mentioned. Every such debt shall be authorized by law for some purpose or purposes, to be distinctly specified therein; and every such law shall provide for levying an annual tax sufficient to pay the interest semi-annually and the principal within twenty years from the passage of such law, and shall specially appropriate the proceeds of said taxes to the payment of said principal and interest, and such appropriation shall not be repealed, nor the taxes be postponed or diminished until the principal and interest of said debts shall have been wholly paid. Every contract of indebtedness entered into or assumed by or on behalf of the State, when all its debts and liabilities amount to said sum before mentioned, shall be void and of no effect, except in cases of money borrowed to repel invasion, suppress insurrection, defend the State in time of war, or, if hostilities be threatened, provide for the public defense. State to borrow limited. Limit raised, when.

SEC. 4. The State shall never assume the debts of any county, town, or city, or other corporation whatever, unless such debts have been created to repel invasion, suppress insurrection, or to provide for the public defense.

ARTICLE X.

TAXATION.

Taxation.

SECTION 1. The Legislature shall provide by law for a uniform and equal rate of assessment and taxation, and shall prescribe such regulations as shall secure a just valuation for taxation of all property, real, personal, and possessory, excepting mines and mining claims, the proceeds of which alone shall be taxed, and also excepting such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes.

ARTICLE XI.

EDUCATION.

Education encouraged.

SECTION 1. The Legislature shall encourage, by all suitable means, the promotion of intellectual, literary, scientific, mining, mechanical, agricultural, and moral improvements; and also provide for the election by the people, at the general election, of a Superintendent of Public Instruction, whose term of office shall be two years from the first Monday of January, A. D. eighteen hundred and sixty-five, and until the election and the qualification of his successor, and whose duties shall be prescribed by law.

Public schools fostered.

SEC. 2. The Legislature shall provide for a uniform system of common schools, by which a school shall be established and maintained in each school district at least six months in every year; and any school district neglecting to establish and maintain such a school, or which shall allow instructions of a sectarian character therein, may be deprived of its proportion of the interest of the Public School Fund during such neglect or infraction; and the Legislature may pass such laws as will tend to secure a general attendance of the children in each school district upon said public schools.

Lands and funds dedicated to support of.

SEC. 3. All lands, including the sixteenth and thirty-sixth sections in any township, donated for the benefit of public schools in the Act of the Thirty-eighth Congress to enable the people of Nevada Territory to form a State government, the thirty thousand acres of public lands granted by an Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for each Senator and Representative in Congress, and all proceeds of lands that have been or may hereafter be granted or appropriated by the United States, to this State, and also the five hundred thousand acres of land granted to the new States under the Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one; *provided*, that Congress make provision for or authorize such diversion to be made for the purpose herein contained; all estates that may escheat to the State, all of such per centum as may be granted by Congress on the sale of lands, all fines collected under the penal laws of the State, all property given or bequeathed to the State for educational purposes, and all proceeds derived from any or all of said sources shall be and the same are hereby solemnly

pledged for educational purposes, and shall not be transferred to any other fund for other uses; and the interest thereon shall, from time to time, be apportioned among the several counties as the Legislature may provide by law; and the Legislature shall provide for the sale of floating land warrants to cover the aforesaid lands, and for the investment of all proceeds derived from any of the above mentioned sources, in United States bonds, or bonds of this State, or the bonds of other States of the Union; *provided*, that the interest only of the aforesaid proceeds shall be used for educational purposes, and any surplus interest shall be added to the principal sum; *and, provided further*, that such portions of said interest as may be necessary may be appropriated for the support of the State University.

Lands and funds dedicated to support of.

[As amended. Proposed and passed at the Twelfth Session of the Legislature, February 25, 1885, Statutes of 1885, page 160; agreed to and passed at the Thirteenth Session of the Legislature March 3, 1887, Statutes of 1887, page 168, and approved and ratified by the people at a special election held February 11, 1889.]

SEC. 4. The Legislature shall provide for the establishment of a State University, which shall embrace departments for agriculture, mechanic arts and mining, to be controlled by a Board of Regents, whose duty shall be prescribed by law.

State University.

SEC. 5. The Legislature shall have power to establish normal schools, and such different grades of schools, from the primary department to the university, as in their discretion they may deem necessary, and all professors in said university, or teachers in said schools, of whatever grade, shall be required to take and subscribe to the oath as prescribed in Article XV. of this Constitution. No professor or teacher who fails to comply with the provisions of any law framed in accordance with the provisions of this section, shall be entitled to receive any portion of the public moneys set apart for school purposes.

Normal School.

SEC. 6. The Legislature shall provide a special tax, which shall not exceed two mills on the dollar of all taxable property in the State, in addition to the other means provided for the support and maintenance of said university and common schools.

Educational special tax.

[As amended. Proposed and passed at the Twelfth Session of the Legislature, passed February 25, 1885, Statutes of 1885, page 161; agreed to and passed at the Thirteenth Session, March 3, 1887, Statutes of 1887, page 169, and approved and ratified by the people at a special election held February 11, 1889.]

SEC. 7. The Governor, Secretary of State, and Superintendent of Public Instruction shall, for the first four years, and until their successors are elected and qualified, constitute a Board of Regents, to control and manage the affairs of the University and the funds of the same, under such regulations as may be provided by law. But the Legislature shall, at its regular session next preceding the expiration of the term of office of said Board of Regents, provide for the election of a new Board of Regents and define their duties.

Board of Regents constituted.

SEC. 8. The Board of Regents shall, from the interest accruing from the first funds which come under their control, immediately organize and maintain the said mining department in such manner as to make it most effective and useful; *provided*,

Providing for organization of University.

Providing for
organization
of University.

that all the proceeds of the public lands donated by Act of Congress, approved July second, A. D. eighteen hundred and sixty-two, for a college for the benefit of agriculture, the mechanic arts, and including military tactics, shall be invested by the said Board of Regents in a separate fund, to be appropriated exclusively for the benefit of the first named departments of the University, as set forth in section four above; and the Legislature shall provide that if, through neglect or any other contingency, any portion of the fund so set apart shall be lost or misappropriated, the State of Nevada shall replace said amount so lost or misappropriated in said fund, so that the principal of said fund shall remain forever undiminished.

SEC. 9. No sectarian instruction shall be imparted or tolerated in any school or university that may be established under this Constitution.

SEC. 10. No public funds of any kind or character whatever, State, county, or municipal, shall be used for sectarian purposes.

[Section 10 was added to Article XI. by amendment. Proposed and passed at the Eighth Session of the Legislature, February 27, 1877, Statutes of 1877, page 221; agreed to and passed at the Ninth Session of the Legislature, January 27, 1879, Statutes of 1879, page 149, and approved and ratified by the people at the general election of 1880.]

ARTICLE XII.

MILITIA.

State militia. SECTION 1. The Legislature shall provide by law for organizing and disciplining the militia of this State, for the effectual encouragement of volunteer corps, and the safe keeping of the public arms.

SEC. 2. The Governor shall have power to call out the militia to execute the laws of the State, or to suppress insurrection or repel invasion.

ARTICLE XIII.

PUBLIC INSTITUTIONS.

Sanitary and
benevolent
institutions
fostered.

SECTION 1. Institutions for the benefit of the insane, blind, and deaf and dumb, and such other benevolent institutions as the public good may require, shall be fostered and supported by the State, subject to such regulations as may be prescribed by law.

State Prison.

SEC. 2. A State Prison shall be established and maintained in such manner as may be prescribed by law; and provision may be made by law for the establishment and maintenance of a house of refuge for juvenile offenders.

Relating to
the indigent.

SEC. 3. The respective counties of the State shall provide, as may be prescribed by law, for those inhabitants who, by reason of age and infirmity, or misfortune, may have claim upon the sympathy and aid of society.

ARTICLE XIV.

BOUNDARY.

SECTION 1. The boundary of the State of Nevada shall be as follows: Commencing at a point formed by the intersection of

the thirty-eighth degree of longitude west from Washington with the thirty-seventh degree of north latitude; thence due west along said thirty-seventh degree of north latitude to the eastern boundary line of the State of California; thence in a northwesterly direction along said eastern boundary line of the State of California to the forty-third degree of longitude west from Washington; thence north along said forty-third degree of west longitude and said eastern boundary line of the State of California to the forty-second degree of north latitude; thence due east along the said forty-second degree of north latitude to a point formed by its intersection with the aforesaid thirty-eighth degree of longitude west from Washington; thence due south down said thirty-eighth degree of west longitude to the place of beginning. And whensoever Congress shall authorize the addition to the Territory or State of Nevada of any portion of the territory on the easterly border of the foregoing defined limits, not exceeding in extent one degree of longitude, the same shall thereupon be embraced within and become a part of this State. *And furthermore provided*, that all such territory lying west of and adjoining the boundary line herein prescribed, which the State of California may relinquish to the Territory or State of Nevada, shall thereupon be embraced within and constitute a part of this State.

Boundaries
of State.

ARTICLE XV.

MISCELLANEOUS PROVISIONS.

SECTION 1. The seat of government shall be at Carson City, but no appropriation for the erection or purchase of Capitol buildings shall be made during the next three years.

Seat of
government.

SEC. 2. Members of the Legislature, and all officers, executive, judicial and ministerial, shall, before they enter upon the duties of their respective offices, take and subscribe to the following oath or affirmation:

"I, ———, do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States, and the Constitution and Government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance, and loyalty to the same, any ordinance, resolution or law of any State convention or Legislature to the contrary notwithstanding; and further, that I do this with a full determination, pledge, and purpose, without any mental reservation or evasion whatsoever. And I do further solemnly swear (or affirm) that I have not fought a duel, nor sent or accepted a challenge to fight a duel, nor been a second to either party, nor in any manner aided or assisted in such duel, nor been knowingly the bearer of such challenge or acceptance, since the adoption of the Constitution of the State of Nevada, and that I will not be so engaged or concerned, directly or indirectly, in or about any such duel during my continuance in office. And further, that I will well and faithfully perform all the duties of the office of ———, on which I am about to enter; (if an oath), so help me God; (if an affirmation), under the pains and penalties of perjury."

Official oath.

Who eligible
to office.

SEC. 3. No person shall be eligible to any office who is not a qualified elector under this Constitution. No person who, while a citizen of this State, has since the adoption of this Constitution, fought a duel with a deadly weapon, sent or accepted a challenge to fight a duel with a deadly weapon, either within or beyond the boundaries of this State, or who has acted as second, or knowingly conveyed a challenge, or aided or assisted in any manner in fighting a duel, shall be allowed to hold any office of honor, profit or trust, or enjoy the right of suffrage under this Constitution. The Legislature shall provide by law for giving force and effect to the foregoing provisions of this section; *provided*, that females over the age of twenty-one years, who have resided in this State one year, and in the county or district six months next preceding any election to fill either of said offices, shall be eligible to the offices of Superintendent of Public Schools and School Trustee.

[As amended. Proposed and passed at the Thirteenth Session of the Legislature, March 3, 1887, Statutes of 1887, page 162; agreed to and passed at the Fourteenth Session of the Legislature, January 17, 1889, Statutes of 1889, page 151, and approved and ratified by the people at a special election held February 11, 1889.]

Perpetuities.

SEC. 4. No perpetuities shall be allowed except for eleemosynary purposes.

Legislature
limited.

SEC. 5. The general election shall be held on the Tuesday next after the first Monday of November.

SEC. 6. The aggregate number of members of both branches of the Legislature shall never exceed seventy-five.

Publication
of statutes
and reports.

SEC. 7. All county officers shall hold their offices at the county seat of their respective counties.

SEC. 8. The Legislature shall provide for the speedy publication of all statute laws of a general nature, and such decisions of the Supreme Court as it may deem expedient; and all laws and judicial decisions shall be free for publication by any person; *provided*, that no judgment of the Supreme Court shall take effect and be operative until the opinion of the Court in such case shall be filed with the Clerk of said Court.

Salaries may
be increased
or diminished

SEC. 9. The Legislature may at any time provide by law for increasing or diminishing the salaries or compensation of any of the officers whose salary or compensation is fixed in this Constitution; *provided*, no such change of salary or compensation shall apply to any officer during the term for which he may have been elected.

SEC. 10. All officers whose election or appointment is not otherwise provided for shall be chosen or appointed as may be prescribed by law.

Tenure of
office
limited.

SEC. 11. The tenure of any office not herein provided for may be declared by law, or, when not so declared, such office shall be held during the pleasure of the authority making the appointment; but the Legislature shall not create any office, the tenure of which shall be longer than four years, except as herein otherwise provided in this Constitution.

Offices at
capital.

SEC. 12. The Governor, Secretary of State, State Treasurer, State Controller, and Clerk of the Supreme Court shall keep their respective offices at the seat of government.

SEC. 13. The enumeration of the inhabitants of this State shall be taken, under the direction of the Legislature, if deemed necessary, in A. D. eighteen hundred and sixty-five, A. D. eighteen hundred and sixty-seven, A. D. eighteen hundred and seventy-five, and every ten years thereafter; and these enumerations, together with the census that may be taken under the direction of the Congress of the United States in A. D. eighteen hundred and seventy, and every subsequent ten years, shall serve as a basis of representation in both houses of the Legislature.

Census taken,
when.

SEC. 14. A plurality of votes given at an election by the people shall constitute a choice, where not otherwise provided by this Constitution.

Plurality a
a choice.

ARTICLE XVI.

AMENDMENTS.

SECTION 1. Any amendment or amendments to this Constitution may be proposed in the Senate or Assembly, and if the same shall be agreed to by a majority of all the members elected to each of the two houses, such proposed amendment or amendments shall be entered on their respective journals, with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen, and shall be published for three months next preceding the time of making such choice. And if, in the Legislature next chosen as aforesaid, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the Legislature to submit such proposed amendment or amendments to the people in such manner and at such time as the Legislature shall prescribe; and if the people shall approve and ratify such amendment or amendments, by a majority of the electors qualified to vote for members of the Legislature voting thereon, such amendment or amendments shall become a part of the Constitution.

Constitution
amended,
how.

SEC. 2. If at any time the Legislature, by a vote of two-thirds of the members elected to each house, shall determine that it is necessary to cause a revision of this entire Constitution, they shall recommend to the electors, at the next election for members of the Legislature, to vote for or against a convention; and if it shall appear that a majority of the electors voting at such election shall have voted in favor of calling a convention, the Legislature shall, at its next session, provide by law for calling a convention to be holden within six months after passage of such law; and such convention shall consist of a number of members not less than that of both branches of the Legislature. In determining what is a majority of the electors voting at such election, reference shall be had to the highest number of votes cast at such election for the candidates for any office or on any question.

ARTICLE XVII.

SCHEDULE.

SECTION 1. That no inconvenience may arise by reason of a change from a Territorial to a permanent State Government, it

Acts of
Territory
made valid.

is declared that all rights, actions, prosecutions, judgments, claims and contracts, as well of individual as of bodies corporate, including counties, towns and cities, shall continue as if no change had taken place; and all process which may issue under the authority of the Territory of Nevada, previous to its admission into the Union as one of the United States, shall be as valid as if issued in the name of the State of Nevada.

SEC. 2. All laws of the Territory of Nevada, in force at the time of the admission of this State, not repugnant to this Constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the Legislature.

SEC. 3. All fines, penalties and forfeitures accruing to the Territory of Nevada, or to the people of the United States in the Territory of Nevada, shall inure to the State of Nevada.

Prosecutions
in name of
State.

SEC. 4. All recognizances heretofore taken, or which may be taken before the change from a Territorial to a State government, shall remain valid, and shall pass to, and may be prosecuted in the name of, the State; all bonds executed to the Governor of the Territory, or to any other officer or court in his or their official capacity, or to the people of the United States in the Territory of Nevada, shall pass to the Governor, or other officer, or court, and his or their successors in office, for the uses therein respectively expressed, and may be sued on and recovery had accordingly; and all property, real, personal or mixed, and all judgments, bonds, specialties, choses in action, claims, and debts of whatsoever description, and all records and public archives of the Territory of Nevada, shall issue to and vest in the State of Nevada, and may be sued for and recovered in the same manner and to the same extent by the State of Nevada, as the same could have been by the Territory of Nevada. All criminal prosecutions and penal actions which may have arisen, or which may arise before the change from a Territorial to a State government, and which shall then be pending, shall be prosecuted to judgment and execution in the name of the State. All offenses committed against the laws of the Territory of Nevada before the change from a Territorial to a State government, and which shall not be prosecuted before such change, may be prosecuted in the name and by the authority of the State of Nevada with like effect as though such change had not taken place, and all penalties incurred shall remain the same as if this Constitution had not been adopted.

Civil actions
determined
by State
courts.

All actions at law and suits in equity, and all other legal proceedings which may be pending in any of the courts of the Territory of Nevada at the time of the change from a Territorial to a State government, shall be continued and transferred to, and may be prosecuted to judgment and execution in any court of the State which shall have jurisdiction of the subject matter thereof; and all books, papers, and records relating to the same shall be transferred in like manner to such court.

Salaries of
State officers.

SEC. 5. For the first term of office succeeding the formation of a State Government, the salary of the Governor shall be four thousand dollars per annum; the salary of the Secretary of State shall be three thousand six hundred dollars per

annum; the salary of the State Controller shall be three thousand six hundred dollars per annum; the salary of the State Treasurer shall be three thousand six hundred dollars per annum; the salary of the Surveyor-General shall be one thousand dollars per annum; the salary of the Attorney-General shall be two thousand five hundred dollars per annum; the salary of the Superintendent of Public Instruction shall be two thousand dollars per annum; the salary of each Judge of the Supreme Court shall be seven thousand dollars per annum. The salaries of the foregoing officers shall be paid quarterly out of the State Treasury. The pay of the State Senators and members of the Assembly shall be eight dollars per day for each day of actual service, and forty cents per mile for mileage going to and returning from the place of meeting. No officer mentioned in this section shall receive any fee or perquisites to his own use for the performance of any duty connected with his office, or for the performance of any additional duty imposed upon him by law.

Salaries of State officers.

SEC. 6. Until otherwise provided by law, the apportionment of Senators and Assemblymen in the different counties shall be as follows, to wit: Storey county, four Senators and twelve Assemblymen; Douglas county, one Senator and two Assemblymen; Esmeralda county, two Senators and four Assemblymen; Humboldt county, two Senators and three Assemblymen; Lander county, two Senators and four Assemblymen; Lyon county, one Senator and three Assemblymen; Lyon and Churchill counties, one Senator, jointly; Churchill county, one Assemblyman; Nye county, one Senator and one Assemblyman; Ormsby county, two Senators and three Assemblymen; Washoe and Roop counties, two Senators and three Assemblymen.

Apportionment of Legislators.

SEC. 7. All debts and liabilities of the Territory of Nevada lawfully incurred, and which remain unpaid at the time of the admission of this State into the Union, shall be assumed by and become the debt of the State of Nevada; *provided*, that the assumption of such indebtedness shall not prevent the State from contracting the additional indebtedness, as provided in section three of Article nine of this Constitution.

Territorial debts assumed by State.

[Sections 8 to 26 inclusive are now only historical.]

SEC. 8. The term of State officers (except judicial) elected at the first election under this Constitution, shall continue until the Tuesday after the first Monday of January, A. D. eighteen hundred and sixty-seven, and until the election and qualification of their successors.

SEC. 9. The Senators to be elected at the first election under this Constitution shall draw lots, so that the term of one-half of the number, as nearly as may be, shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-six, and the term of the other half shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-eight; *provided*, that in drawing lots for all Senatorial terms, the Senatorial representation shall be allotted so that in the counties having two or more Senators, the terms thereof

shall be divided, as nearly as may be, between the long and short terms.

Obsolete,
historical
only.

SEC. 10. At the general election in A. D. eighteen hundred and sixty-six, and thereafter the term of Senators shall be four years from the day succeeding such general election, and members of the Assembly for two years from the day succeeding such general election, and the terms of Senators shall be allotted by the Legislature in long and short terms, as hereinbefore provided, so that one-half the number, as nearly as may be, shall be elected every two years.

SEC. 11. The term of the members of the Assembly elected at the first general election under this Constitution, shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-five; and the terms of those elected at the general election in A. D. eighteen hundred and sixty-five shall expire on the day succeeding the general election in A. D. eighteen hundred and sixty-six.

SEC. 12. The first regular session of the Legislature shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four, and the second regular session of the same shall commence on the first Monday of January, A. D. eighteen hundred and sixty-six, and the third regular session of the Legislature shall be the first of the biennial sessions, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-seven, and the regular sessions of the Legislature shall be held thereafter biennially, commencing on the first Monday of January.

[Section 12 superseded by Section 2, Article IV.]

SEC. 13. All county officers under the laws of the Territory of Nevada at the time when the Constitution shall take effect, whose offices are not inconsistent with the provisions of this Constitution, shall continue in office until the first Monday of January, A. D. eighteen hundred and sixty-seven, and until their successors are elected and qualified; and all township officers shall continue in office until the expiration of their terms of office, and until their successors are elected and qualified; *provided*, that the Probate Judges of the several counties, respectively, shall continue in office until the election and qualification of the District Judges of the several counties or judicial districts; *and, provided further*, that the term of office of the present county officers of Lander county, shall expire on the first Monday of January, A. D. eighteen hundred and sixty-five, except the Probate Judge of said county, whose term of office shall expire upon the first Monday of December, A. D. eighteen hundred and sixty-four, and there shall be an election for county officers of Lander county at the general election in November, A. D. eighteen hundred and sixty-four, and the officers then elected shall hold office from the first Monday of January, A. D. eighteen hundred and sixty-five, until the first Monday of January, A. D. eighteen hundred and sixty-seven, and until their successors are elected and qualified.

SEC. 14. The Governor, Secretary, Treasurer and Superin-

tendent of Public Instruction of the Territory of Nevada, shall each continue to discharge the duties of their respective offices after the admission of this State into the Union, and until the time designated for the qualification of the above named officers to be elected under the State government; and the Territorial Auditor shall continue to discharge the duties of his said office until the time appointed for the qualification of the State Controller; *provided*, that the said officers shall each receive the salaries, and be subject to the restrictions and conditions provided in this Constitution; *and, provided further*, that none of them shall receive to his own use, any fees or perquisites for the performance of any duty connected with his office.

SEC. 15. The terms of the Supreme Court shall, until provisions be made by law, be held at such times as the Judges of the said court, or a majority of them, may appoint. The first terms of the several District Courts (except as hereinafter mentioned) shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four. The first term of the District Court in the Fifth Judicial District shall commence on the first Monday of December, A. D. eighteen hundred and sixty-four, in the county of Nye, and shall commence on the first Monday of January, A. D. eighteen hundred and sixty-five, in the county of Churchill. The terms of the Fourth Judicial District Court shall, until otherwise provided by law, be held at the county seat of Washoe county, and the first term thereof commence on the first Monday of December, A. D. eighteen hundred and sixty-four.

Obsolete,
historical
only.

SEC. 16. The Judges of the several District Courts of this State shall be paid, as hereinbefore provided, salaries at the following rates per annum: First Judicial District (each Judge), six thousand dollars; Second Judicial District, four thousand dollars; Third Judicial District, five thousand dollars; Fourth Judicial District, five thousand dollars; Fifth Judicial District, thirty-six hundred dollars; Sixth Judicial District, four thousand dollars; Seventh Judicial District, six thousand dollars; Eighth Judicial District, thirty-six hundred dollars; Ninth Judicial District, five thousand dollars.

SEC. 17. The salary of any Judge in said judicial districts may, by law, be altered or changed, subject to the provisions contained in this Constitution.

SEC. 18. The Governor, Lieutenant-Governor, Secretary of State, State Treasurer, State Controller, Attorney-General, Surveyor-General, Clerk of the Supreme Court, and Superintendent of Public Instruction, to be elected at the first election under this Constitution, shall each qualify and enter upon the duties of their respective offices on the first Monday of December succeeding the election, and shall continue in office until the first Tuesday after the first Monday in January, A. D. eighteen hundred and sixty-seven, and until the election and qualification of their successors respectively.

SEC. 19. The Judges of the Supreme Court and District Judges to be elected at the first election under this Constitution shall qualify and enter upon the duties of their respective

offices on the first Monday of December succeeding their election.

Obsolete,
historical
only.

SEC. 20. All officers of State and District Judges first elected under this Constitution shall be commissioned by the Governor of this Territory, which commission shall be countersigned by the Secretary of the same, and shall qualify, before entering upon the discharge of their duties, before any officer authorized to administer oaths under the laws of this Territory; and also the State Controller and State Treasurer shall each respectively, before they qualify and enter upon the discharge of their duties, execute and deliver to the Secretary of the Territory of Nevada an official bond, made payable to the people of the State of Nevada, in the sum of thirty thousand dollars, to be approved by the Governor of the Territory of Nevada, and shall also execute and deliver to the Secretary of State such other or further official bond or bonds as may be required by law.

SEC. 21. Each county, town, city, and incorporated village shall make provision for the support of its own officers, subject to such regulations as may be prescribed by law.

SEC. 22. In case the office of any Justice of the Supreme Court, District Judge, or other State officer shall become vacant before the expiration of the regular term for which he was elected, the vacancy may be filled by appointment by the Governor, until it shall be supplied at the next general election, when it shall be filled by election for the residue of the unexpired term.

SEC. 23. All cases, both civil and criminal, which may be pending and undetermined in the Probate Courts of the several counties at the time when, under the provisions of this Constitution, said Probate Courts are to be abolished, shall be transferred to and determined by the District Courts of such counties respectively.

SEC. 24. For the first three years after the adoption of this Constitution, the Legislature shall not levy a tax for State purposes exceeding one per cent per annum on the taxable property of the State; *provided*, the Legislature may levy a special tax, not exceeding one-fourth of one per cent per annum, which shall be appropriated to the payment of the indebtedness of the Territory of Nevada assumed by the State of Nevada, and for that purpose only, until all of said indebtedness is paid.

SEC. 25. The county of Roop shall be attached to the county of Washoe for judicial, legislative, revenue and county purposes until otherwise provided by law.

SEC. 26. At the first regular session of the Legislature to convene under the requirements of this Constitution, provision shall be made by law for paying for the publication of six hundred copies of the debates and proceedings of this convention in book form, to be disposed of as the Legislature may direct; and the Hon. J. Neely Johnson, President of this convention, shall contract for, and A. J. Marsh, official reporter of this convention, under the direction of the President, shall supervise the publication of such debates and proceedings. Pro-

vision shall be made by law at such first session of the Legislature for the compensation of the official reporter of this convention, and he shall be paid in coin or its equivalent. He shall receive, for his services in reporting the debates and proceedings, fifteen dollars per day during the session of the convention, and seven dollars and a half additional for each evening session, and thirty cents per folio of one hundred words for preparing the same for publication; and for supervising and indexing such publication, the sum of fifteen dollars per day during the time actually engaged in such service.

ARTICLE XVIII.

RIGHT OF SUFFRAGE.

SECTION 1. The right of suffrage and office-holding shall not be withheld from any male citizen of the United States by reason of his color or previous condition of servitude.

Right of
suffrage not
to be
withheld.

[Article XVIII. was proposed and passed at the Eighth Session of the Legislature, January 15, 1877, Statutes of 1877, page 213; agreed to and passed at the Ninth Session of the Legislature, January 27, 1879, Statutes of 1879, page 149, and approved and ratified by the people at the general election of 1880.]

ELECTION ORDINANCE.

WHEREAS, The enabling Act passed by Congress, and approved March twenty-first, A. D. eighteen hundred and sixty-four, requires that the convention charged with the duty of framing a Constitution for a State government "shall provide by ordinance for submitting said Constitution to the people of the Territory of Nevada, for their ratification or rejection," on a certain day prescribed therein; therefore, this convention, organized in pursuance of said enabling Act, do establish the following

ORDINANCE:

*SECTION 1. The Governor of the Territory of Nevada is hereby authorized to issue his proclamation for the submission of this Constitution to the people of said Territory, for their approval or rejection, on the day provided for such submission by Act of Congress; and this Constitution shall be submitted to the qualified electors of said Territory, in the several counties thereof, for their approval or rejection, at the time provided by such Act of Congress; and further, on the first Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-four, there shall be a general election in the several counties of said Territory for the election of State officers, Supreme and District Judges, members of the Legislature, Representative in Congress, and three Presidential Electors.

Obsolete,
historical
only.

SEC. 2. All persons qualified by the laws of said Territory to vote for Representatives to the General Assembly, on the said twenty-first day of March, including those in the army of the United States, both within and beyond the boundaries of said Territory, and also all persons who may, by the aforesaid laws, be qualified to vote on the first Wednesday of September,

*This ordinance is now only historical.

A. D. eighteen hundred and sixty-four, including those in the aforesaid army of the United States, within and without the boundaries of said Territory, may vote for the adoption or rejection of said Constitution, on the day last above named. In voting upon this Constitution, each elector shall deposit in the ballot box a ticket, whereon shall be clearly written or printed "Constitution—Yes" or "Constitution—No," or such other words that shall clearly indicate the intention of the elector.

Obsolete,
historical
only.

SEC. 3. All persons qualified by the laws of said Territory to vote on the Tuesday after the first Monday of November, A. D. eighteen hundred and sixty-four, including those in the army of the United States, within and beyond the boundaries of said Territory, may vote on the day last above named for State officers, Supreme and District Judges, members of the Legislature, Representative in Congress and three Presidential Electors to the Electoral College.

SEC. 4. The election provided in this ordinance shall be holden at such places as shall be designated by the Boards of Commissioners of the several counties in said Territory. The Judges and Inspectors of said election shall be appointed by said Commissioners, and the said election shall be conducted in conformity with the existing laws of said Territory in relation to holding the general election.

SEC. 5. The Judges and Inspectors of said elections shall carefully count each ballot immediately after such elections, and forthwith make duplicate returns thereof to the Clerks of the said County Commissioners of their respective counties; and said Clerks, within fifteen days after said elections, shall transmit an abstract of the votes, including the soldiers' vote as herein provided, given for State officers, Supreme and District Judges, Representative in Congress and three Presidential Electors, enclosed in an envelope, by the most safe and expeditious conveyance, to the Governor of said Territory, marked "Election Returns."

SEC. 6. Upon the receipt of said returns, including those of the soldiers' vote, or within twenty days after the election, if said returns be not sooner received, it shall be the duty of the Board of Canvassers, to consist of the Governor, United States District Attorney and Chief Justice of said Territory, or any two of them, to canvass the returns in the presence of all who may wish to be present; and if a majority of all the votes given upon this Constitution shall be in its favor, the said Governor shall immediately publish an abstract of the same, and make proclamation of the fact, in some newspaper in said Territory, and certify the same to the President of the United States, together with a copy of the Constitution and ordinance. The said Board of Canvassers, after canvassing the votes of the said November election, shall issue certificates of election to such persons as were elected State officers, Judges of the Supreme and District Courts, Representative in Congress and three Presidential Electors. When the President of the United States shall issue his proclamation declaring this State admitted into the Union on an equal footing with the original States,

this Constitution shall thenceforth be ordained and established as the Constitution of the State of Nevada.

SEC. 7. For the purpose of taking the vote of the electors of said Territory who may be in the army of the United States, the Adjutant-General of said Territory shall, on or before the fifth day of August next following, make out a list in alphabetical order, and deliver the same to the Governor, of the names of all the electors, residents of said Territory, who shall be in the army of the United States, stating the number of the regiment, battalion, squadron, or battery, to which he belongs, and also the county or township of his residence in said Territory. Obsolete,
historical
only.

SEC. 8. The Governor shall classify and arrange the aforesaid returned list, and shall make therefrom separate lists of the electors belonging to each regiment, battalion, squadron and battery from said Territory, in the service of the United States, and shall, on or before the fifteenth day of August following, transmit by mail or otherwise, to the commanding officer of each regiment, battalion, squadron and battery, a list of electors belonging thereto, which said list shall specify the name, residence and rank of each elector, and the company to which he belongs, if to any, and also the county and township to which he belongs, and in which he is entitled to vote.

SEC. 9. Between the hours of nine o'clock A. M. and three o'clock P. M., on each of the election days hereinbefore named, a ballot box, or suitable receptacle for votes, shall be opened, under the immediate charge and direction of three of the highest officers in command, for the reception of votes from the electors whose names are upon said list, at each place where a regiment, battalion, squadron, or battery of soldiers from said Territory, in the army of the United States, may be on that day, at which time and place said elector shall be entitled to vote for all officers for which, by reason of their residence in the several counties in said Territory they are authorized to vote, as fully as they would be entitled to vote in the several counties or townships in which they reside, and the votes so given by such electors, at such time and place, shall be considered, taken and held to have been given by them in the respective counties and townships in which they are resident.

SEC. 10. Each ballot deposited for the adoption or rejection of this Constitution, in the army of the United States, shall have distinctly written or printed thereon "Constitution—Yes," or "Constitution—No," or words of a similar import; and, further, for the election of State officers, Supreme and District Judges, members of the Legislature, Representative in Congress, and three Presidential Electors, the name and office of the person voted for shall be plainly written or printed on one piece of paper. The name of each elector voting as aforesaid shall be checked upon the said list, at the time of voting, by one of the said officers having charge of the ballot box. The said officers having charge of the election shall count the votes

and compare them with the checked list immediately after the closing of the ballot box.

Obsolete,
historical
only.

SEC. 11. All the ballots cast, together with the said voting list, checked as aforesaid, shall be immediately sealed up and sent forthwith to the Governor of said Territory, at Carson City, by mail or otherwise, by the commanding officer, who shall make out and certify duplicate returns of votes given, according to the forms hereinafter prescribed, seal up and immediately transmit the same to the said Governor, at Carson City, by mail or otherwise, the day following the transmission of the ballots and the voting list herein named. The said commanding officer shall also immediately transmit to the several County Clerks in said Territory, an abstract of the votes given at the general election in November, for county officers, marked "Election Returns."

SEC. 12. The form of returns of votes to be made by the commanding officer to the Governor and County Clerks of said Territory, shall be in substance as follows, viz:

Returns of soldiers' votes in the (here insert the regiment, detachment, battalion, squadron or battery).

(For first election—On the Constitution).

I, ———, hereby certify that on the first Wednesday of September, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert the name of the regiment, detachment, battalion, squadron or battery) cast the following number of votes for and against the Constitution for the State of Nevada, viz:

For Constitution—(number of votes written in full and in figures).

Against Constitution—(number of votes written in full and in figures).

(Second election—For State and other officers).

I, ———, hereby certify that on the first Tuesday after the first Monday in November, A. D. eighteen hundred and sixty-four, the electors belonging to the (here insert as above) cast the following number of votes for the several officers and persons hereinafter named, viz:

For Governor—(names of persons voted for, number of votes for each person voted for written in full, and also in figures against the name of each person).

For Lieutenant-Governor—(names of candidates, number of votes cast for each written out, and in figures as above).

Continue as above till the list is completed.

Attest:

I. A. B.

Commanding officer of the (here insert regiment, detachment, battalion, squadron or battery, as the case may be).

SEC. 13. The Governor of this Territory is requested to furnish each commanding officer, within and beyond the boundaries of said Territory, proper and sufficient blanks for said returns.

SEC. 14. The provisions of this ordinance in regard to the

soldiers' votes shall apply to future elections under this Constitution, and be in full force until the Legislature shall provide by law for taking the votes of citizens of said Territory in the army of the United States.

Obsolete,
historical
only.

Done in convention, at Carson City, the twenty-eighth day of July, in the year of our Lord one thousand eight hundred and sixty-four, and of the independence of the United States the eighty-eighth, and signed by the delegates.

J. NEELY JOHNSON,

President of the Convention and Delegate from Ormsby county.

WM. M. GILLESPIE, Secretary.

Henry B. Brady	Delegate from Washoe county.
E. F. Dunne	Delegate from Humboldt county.
J. G. McClinton	Delegate from Esmeralda county.
G. N. Folsom	Delegate from Washoe county.
F. H. Kennedy	Delegate from Lyon county.
W. W. Belden	Delegate from Washoe county.
F. M. Proctor	Delegate from Nye county.
Albert T. Hawley	Delegate from Douglas county.
George L. Gibson	Delegate from Ormsby county.
F. Tagliabue	Delegate from Nye county.
Wm. Wetherill	Delegate from Esmeralda county.
John A. Collins	Delegate from Storey county.
Jas. A. Banks	Delegate from Humboldt county.
J. S. Crosman	Delegate from Lyon county.
Sam'l A. Chapin	Delegate from Storey county.
C. M. Brosnan	Delegate from Storey county.
John H. Kinkad	Delegate from Ormsby county.
Geo. A. Hudson	Delegate from Lyon county.
Israel Crawford	Delegate from Ormsby county.
A. J. Lockwood	Delegate from Ormsby county.
H. G. Parker	Delegate from Lyon county.
J. H. Warwick	Delegate from Lander county.
C. E. DeLong	Delegate from Storey county.
Lloyd Frizell	Delegate from Storey county.
George A. Nourse	Delegate from Washoe county.
B. S. Mason	Delegate from Esmeralda county.
Almon Hovey	Delegate from Storey county.
Thomas Fitch	Delegate from Storey county.
J. W. Haines	Delegate from Douglas county.

INDEX TO CONSTITUTION OF NEVADA.

ABSENCE FROM STATE—

- Of Governor, duties to devolve on Lieutenant-Governor, 213.
- Of Governor, on military business of State, to be Commander-in-Chief, 213.
- Of judicial officer, Legislature not to grant leave, 217.
- Of judicial officer, for more than ninety days, to vacate office, 217.

ACTION—

- For libel, truth may be given in evidence, 203.
- But one form of civil, 217.
- Law and equity to be administered in same, 216.
- Removed from Territorial Courts, 223.

AMENDMENTS—

- To Constitution, how made, 225.
- To law, how made, 207.

APPORTIONMENT—

- Of school moneys to counties, 220, 221.
- Of Senators and Assemblymen, 227.

APPROPRIATIONS—

- For standing army for not more than two years, 203.
- No money to be drawn from State Treasury except in consequence of, 208.

ARREST, CIVIL—

- Elector exempt from, when, 205.
- Members of the Legislature exempt from, when, 207.

ASSEMBLY, MEMBERS OF—

- When and how chosen, 206.
- Term of office, 206.
- Qualifications of, 206.
- Proportion to Senators, 206.
- Total number limited, 224.

ASSEMBLY—

- Sole power of impeachment, 217.
- Majority of all members elected to necessary to impeachment, 217.

ATTAINDER—

- Bill of, prohibited, 204.

ATTORNEY-GENERAL—

- How chosen, term and eligibility, 213, 224.
- Member Board State Prison Commissioners, 213.
- Member Board of Examiners, 213.
- Duties of, 213.
- Salary during first term, 227.
- First term of office, 227.

BAIL—

- Excessive, not to be required, 203.
- Persons, entitled to, 203.
- Persons not entitled to, 203.

BALLOT—

- All elections by the people to be by, 205.

BANKS—

- Notes of not to circulate as money except, 219.

BENEVOLENT INSTITUTIONS—

- To be fostered and supported, 222.
- State may loan credit, or subscribe to, 219.

BOARD OF EXAMINERS—

Who to constitute, powers and duties, 213.

BOUNDARY—

Of the State of Nevada, 222.

Addition to, how made, 223.

BRIBERY—

Disqualifications of persons convicted of, 207.

CENSUS—

When and how taken, 225.

Shall serve as the basis of representation, 225.

CITIES AND TOWNS—

Provisions to be made for incorporation of, 219.

Taxation and debts of, restricted, 219.

To support own officers, 230.

CLERK—

Of county, to be provided for, 210.

Of county, to be *ex officio* Clerk of District Court, 210.

Of Supreme Court, to keep office at Capital, 224.

COMMISSIONERS OF STATE PRISON—

Who to constitute Board of, powers and duties, 213.

COMMISSIONS—

Form of State officers and District Judges, 212, 230.

CONSTITUTION—

Of State, how amended and revised, 225.

Debates and proceedings on, to be published, 230.

Who entitled to vote on adoption of, 231.

When and how submitted to the people, 231.

Return of votes on, how made, 232, 233, 234.

When established, 232.

Of United States, adopted, 201.

CONTRACTS—

Obligation of, not to be impaired, 204.

Existing under Territorial Government, not to be affected, 228.

CONTROLLER OF STATE—

How chosen, term of office, and eligibility, 213, 224.

Duties of, 213.

To keep office at seat of government, 224.

Salary of, during first term, 227.

Elected for first term, when to qualify, 230.

To give official bond, 230.

CORPORATIONS—

May be formed under general laws, 218.

Special legislation in regard to, prohibited, 218.

Property of, liable to taxation, 218.

Property of certain, may be exempt from taxation, 218.

Dues from, how secured, 218.

May sue and be sued, 218.

Right of way for, when to be appropriated, 218.

Liabilities of stockholders of, 218.

Prohibited from circulating notes as money, 218.

Municipal powers of, to be restricted, 219.

State not to be stockholder or loan credit, except, 219.

COUNTIES—

Not to become stockholders, or loan credit, except, 219.

Provide for aged and infirm persons, 222.

COUNTY COMMISSIONERS—

Election of, to be provided for, and duties, 209.
County Clerk, *ex officio* Clerk of, 210.

COUNTY DEBTS—

Not to be assumed by State, exception, 219.

COUNTY GOVERNMENTS—

Uniform system of, to be established, 209.

COUNTY OFFICERS—

Election of, to be provided for, 210.
To keep offices at county seat, 224.
Under Territory, continued in office, 228.

COURT FEE—

To be provided for, 217.

COURTS—

Of record and municipal, 216.
Jurisdiction of municipal, not to conflict with courts of record, 216.

CREDIT OF STATE—

Not to be loaned, exception, 219.

CRIME—

Rights of persons, charged with, 203.
Disqualification of persons convicted of, 207.
Existing prosecutions not affected, 226.

DEBTORS—

To enjoy necessary comforts of life, 204.
Reasonable exemption of property to be secured, 204.
Imprisonment of, forbidden, exception, 204.

DEBT, STATE—

Limitation of, 219.
Shall be specially authorized, 219.
Tax for payment of, to be levied, 219.
Contracts in excess of limitation, to be void, 219.
Territorial liabilities to become part of, 227.

DEFALCATION—

Of public funds, persons guilty of, disqualified from holding public office, 207.
Laws to be passed for punishment of, 207.

DISTRICT ATTORNEYS—

Election of, to be provided for, 210.
To keep office at county seat, 224.

DISTRICT COURTS—

Judges of, how elected, and term of office, 215.
Original jurisdiction, 215.
Appellate jurisdiction, 215.
Powers of, 215.
Times of holding, to be fixed by law, 216.
To be held at county seat, exception, 216.
Judges of, to receive compensation fixed by law, 217.
Compensation of Judges of, not to be increased or diminished during term, 217.
Judges of, liable to impeachment, 218.
Judges of, may be removed by Legislature, 218.
Salaries of Judges of, 229.
Salaries of Judges of, how changed, 229.
Judges of, first elected, how commissioned and when to qualify, 230.
Vacancies in offices of Judges of, how filled, 230.
Cases in Probate Courts to be transferred to, 230.

EDUCATION—

- To be encouraged by Legislature, 220.
- Common schools to be provided for, 220.
- Attendance upon public schools, laws to secure general, to be passed, 220.
- Proceeds of lands appropriated for purposes of, 220, 221.
- Proceeds of escheated estates, fines, etc., appropriated for purposes of, 220.
- State University and normal schools to be provided for, 221.
- Board of Regents created and powers of, 221.
- Sectarianism in educational institutions prohibited, 222.

ELECTIONS—

- Who entitled to vote at, 204, 205.
- Who not entitled to vote at, 204.
- Residence of voters at, in what cases not lost or gained, 205.
- Voter at, privileged from civil arrest, 205.
- By the people, to be by ballot, 205.
- By Legislature, to be *viva voce*, 205.
- Laws to be passed regulating, 205.
- Bribery, etc., laws to be passed prohibiting, 207, 209.
- Plurality vote at, to constitute choice, 225.
- Adoption of Constitution, manner of holding, for, 231, 232, 233, 234.
- Adoption of Constitution, returns of, 232, 233, 234.

ELECTORS—

- Qualifications of, 204, 205, 231.
- Who disqualified from being, 204, 224.
- Privileged from arrest on election day, 205.
- Registration of, provision to be made for, 205.

EMBEZZLEMENT—

- To be punished as a felony, 207.
- Persons guilty of, disqualified from holding office, 207.

EXECUTIVE DEPARTMENT—

- Supreme executive power vested in the Governor, 211.

EX POST FACTO LAW—

- Prohibited, 204.

FEES—

- Not to be received by judicial officers, except Justices of the Peace, 216.
- Court fee to be provided for, 217.
- Not to be received by certain officers to their own use, 227, 228, 229.

FEMALES—

- Eligible to certain offices, 224.

FINES—

- Excessive not to be imposed, 203.
- Militia, no imprisonment for, in time of peace, 204.
- Collected under penal laws, to go to School Fund, 220, 221.
- Accruing to Territory, to inure to State, 226.

FISCAL YEAR—

- When to commence, 219.

FOREIGNERS—

- Rights of property of, secured, 204.

FORGERY—

- Disqualification of persons convicted of, 209.

GOVERNOR—

- To sign all laws, 210, 211.
- Supreme executive power vested in, 211.
- How elected and term of office, 211.

GOVERNOR—*Continued.*

- Who eligible to office of, 211.
- Returns of elections for, how made, 211.
- Plurality of votes to elect, 211.
- In case of tie in election for, Legislature to elect, 211.
- Shall be Commander-in-Chief, 211.
- Shall transact all executive business with officers of the government, 211.
- May require information in writing from officers of executive department, 211.
- Shall see that the laws are faithfully executed, 211.
- Shall have power to fill vacancies in office, 212, 230.
- May convene Legislature by proclamation, 212.
- Shall communicate with Legislature by message, 212.
- May adjourn Legislature in case of disagreement between the two houses, 212.
- No person holding office under the United States to hold office of, 212.
- Shall have power to suspend collection of fines, etc., 212.
- May suspend execution of sentence for treason, 212.
- May grant reprieves for a limited period, 212.
- Shall report to Legislature reprieves and pardons granted, 212.
- Shall constitute one of Board of Pardons, 212.
- Shall keep the Great Seal, 212.
- Shall sign grants and commissions, 212, 213, 230.
- Lieutenant-Governor to perform duties of, in certain contingency, 213.
- President *pro tem.* of Senate to act as, when, 213.
- Shall constitute one of Board of Examiners, 213.
- Shall constitute one of Board of State Prison Commissioners, 213.
- Liable to impeachment, 217, 218.
- To constitute one of first Board of Regents, 221.
- Power to call out militia, 222.
- To keep office at seat of government, 224.
- Salary, for first term of office, 226.
- Shall not receive fees or perquisites, 229.

GRANTS—

- Forms of, 212, 213.

HABEAS CORPUS—

- Writ of, shall not be suspended, except in cases of rebellion or invasion, 203.
- Writ of, may be issued by Supreme and District Courts, and by Justices of such courts, 215, 216

HOMESTEAD—

- Exempt from forced sale, except for taxes, purchase money, improvements, and lien given by consent, 209.
- How alienated, 209.
- Provision to be made by law for recording, 209.

IMPEACHMENT—

- Power of, 217.
- How tried, and who liable to, 218.
- Judgment on, 218.
- Party convicted on, liable to punishment according to law, 218.

IMPRISONMENT FOR DEBT—

- Forbidden, except in certain cases, 204.

INDICTMENT—

- Persons not to be held for capital or other infamous crimes, except on, 203.
- Prosecutions of, in what name and style conducted, 216, 217.

INTELLECTUAL IMPROVEMENT—

- To be encouraged, 220.

JEOPARDY—

- Persons not to be put in, twice for same offense, 203.

JUDGES—

- Not to receive fees for own use, 216.
- Compensation of, not to be increased or diminished during term, 217.
- Salaries of, how paid, 217.
- Ineligible to other office during term for which elected, 216.
- Not to charge juries as to matter of fact, 216.
- Absence from State to vacate office of, when, 217.
- Of Territorial Courts, when superseded, 217.
- Liable to impeachment, 218.
- May be removed from office by Legislature, 218.
- Salaries of, 227, 229.
- Salaries of may be changed, 217, 224, 229.
- First election under Constitution, when to qualify, 230.

JUDICIAL DECISIONS—

- Provision to be made for publication, 224.
- Free for publication to any person, 224.

JUDICIAL DEPARTMENT—

- Power of, where vested, 213, 214.
- Causes to be removed from Territorial Courts, 226.

JURISDICTION—

- Persons charged with powers pertaining to one department of the government inhibited from exercising those of another, 206.
- Of Supreme Court, 214.
- Of District Courts, 215, 216.
- Of Justices Court, 216.
- Of municipal courts, 216.

JURY—

- Right of trial by, secured, 202.
- Trial by, may be waived in certain cases, 202.
- Three-fourths of, may find verdict in civil cases, 202.
- Legislature may require unanimous verdict, 202.
- Presentments by, in certain cases before prosecution, 203.
- Qualified electors only to serve on, 209.
- Crimes which disqualify from serving on, 209.
- Charges to, how to be made, 216.

JUSTICES OF THE PEACE—

- Numbers, powers, and duties of, to be fixed by law, 216.
- Jurisdiction of, restricted, 216.
- Criminal jurisdiction of, 216.
- Concurrent jurisdiction of, 216.
- Appeals from courts of, to be fixed by law, 216.
- May receive fees for own use, 216.

LAWS—

- Ex post facto* forbidden, 204.
- Impairing obligations of contracts forbidden, 204.
- Bill of attainder forbidden, 204.
- May originate in either house of Legislature, 207.
- Every law to embrace but one subject, 207.
- Not to be amended or revised by reference to title only, 207.
- Local or special, forbidden in certain cases, 208.
- To be general and of uniform operation, 208.
- Enacting clause of, 208, 209.
- Bill, no law enacted except by, 209.
- Must be approved by the Governor, 210, 211.
- How passed over Governor's veto, 211.

LAWS—Continued.

- How bills become, without Governor's approval, 211.
- Provisions to be made for speedy publication of, 224.
- Free to be published by any person, 224.
- Territorial, to remain in force, 228.

LEGISLATURE—

- Basis of representation, 204.
- Election by, *viva voce*, 205.
- Powers of, vested in Senate and Assembly, 206.
- Sessions to be held at seat of government, 206.
- Sessions of, when to commence, 206.
- Members of, how and when chosen, 206.
- Who eligible to, 206, 231.
- Terms of office, 206.
- Each house to choose its own officers and judge of the qualifications of its own members, 206.
- Proportion of Senators and Assemblymen, 206.
- How members of, may be expelled, 206.
- May punish for contempt, 206.
- Member not to be appointed to office created during his term, 206, 207.
- Who not eligible to, 204, 207.
- Members privileged from civil arrest, 207.
- Vacancies in how filled, 207.
- Quorum to do business, 207.
- Journal of proceedings to be kept and published, 207.
- Doors of each house to be kept open, exceptions, 207.
- Neither house to adjourn without other's consent for more than three days, 207.
- Any bill may originate in either house, 207.
- Laws what to embrace and how amended, 207.
- Bills, how read, passed and signed, 207, 208.
- County and township governments to be established, 208.
- Election of County Commissioners to be provided for, 209.
- Compensation of officers and employes of, how drawn and paid, 209.
- Members to receive fixed compensation, 210.
- Duration of sessions, 209.
- To elect United States Senators, 210.
- Bills, when to become laws, 210, 211.
- May be convened by proclamation of the Governor, 206, 212.
- In cases of disagreement of the houses, may be adjourned by the Governor, 212.
- Assembly to have sole power of impeachment, 217.
- Senate to try all impeachments, 217.
- To provide for annual tax, 219.
- Limitation of power as to creation of debt, 219.
- Oath of office, 223.
- Number of members restricted, 224.
- Apportionment of members, 227.
- Terms of members elected at first election, 227, 228.
- Session of first Legislature, when to commence, 228.
- Limitation of powers as to taxation, 230.

LIEUTENANT-GOVERNOR—

- When and how elected, 213.
- President of the Senate, 213.
- Eligibility and term of office, 213.
- Powers and duties of, 213.
- To act as Governor in certain contingencies, 213.
- Elected for first time under Constitution, when to qualify, term of office, 229.

LIBEL—

Truth may be given in evidence in prosecutions or actions for, 203.

LOTTERY—

Shall not be authorized, 209.

Sale of tickets in, shall not be allowed, 209.

MILITARY—

Trial of offenses in, 203.

To be subordinate to civil power, 203.

Standing army not to be kept in time of peace, 203.

Appropriation for standing army not more than two years in time of war, 203.

Soldiers not to be quartered in house without consent of owner, 203.

Imprisonment for fine forbidden, 204.

Governor to be Commander-in-Chief, 211.

Organization of militia, 222.

Governor may call out militia, when, 222.

MONEY—

State Treasury, how drawn from, 208, 209.

Statement of receipts and expenditures of, to be published with laws, 208.

Bank notes and paper, not to circulate as, exception, 219.

MORAL IMPROVEMENT—

To be encouraged, 220.

OATH OF OFFICE—

Form of, 223.

OFFICE—

Who ineligible to, 206, 207, 224.

Who disqualified by crime from holding, 207, 224.

Of Governor, who eligible, 211.

Of other State officers, who eligible, 213.

Justices of Supreme Court and District Judges ineligible to other than judicial, 216.

Tenure of, may be declared, 224.

Females eligible to, in certain cases, 224.

OFFICERS—

Certain judicial, not to receive fees, 216.

Who impeachable, 218.

Liable to be punished according to law, whether convicted or not upon impeachment, 218.

Judicial, how removed from office, 218.

Not herein provided for, how chosen, 224.

Certain, not to receive perquisites, 216, 229.

Salaries of certain, 226, 227.

Territorial, continued, 227.

State, terms of, 227.

Of Lander county, special provisions concerning, 228.

State and judicial, first elected, when to qualify, 229.

To be commissioned by the Governor, 230.

Of counties, towns, etc., how supported, 230.

OFFICES—

County officers to hold, at county seat, 224.

State officers, to be kept at seat of government by certain, 224.

ORDINANCE—

To form Constitution and State Government, 201.

Prohibits slavery, 201.

Secures religious toleration, 201.

SHERIFFS—

Election of, to be provided for, 210.

SLAVERY—

Forbidden, exception of involuntary servitude for punishment of crime, 204.

SPEECH—

Liberty of, secured, 203.

STATE PRISON—

Board of Commissioners of, who to constitute, 213.

To be established, 222.

SUFFRAGE—

Right of, who entitled to, 204, 205.

Persons convicted of certain crimes, disqualified from right of, 204, 224.

SUIT AGAINST STATE—

Provision to be made by law for bringing, 208.

SUPERINTENDENT OF PUBLIC INSTRUCTION—

Liable to impeachment, 217.

Election, term of office and duties of, 220.

To be member of Board of Regents, 221.

Salary for first term under the Constitution, 227.

Shall not receive fees or perquisites to his own use, 229.

SUPREME COURT—

Justices of, members of Board of Pardons, 212.

How composed, and quorum of, 214.

Chief Justice of, who, 214

Election, term of office and classification of Justices, 214.

Terms of, when and where to be held, 216.

Jurisdiction and powers of, 214.

Justices of, not to receive fees, 216.

Justices of, ineligible to office during term, 216.

Justices of, liable to impeachment, 217, 218.

Chief Justice of, to preside over Senate on trial of impeachment of Governor or Lieutenant-Governor, 217.

Decisions of, to be published, 224.

Vacancies in office of Justices of, how filled, 230.

TAXATION—

Special legislation concerning, forbidden, 208.

Annual tax, sufficient to pay expenses of State, to be levied, 219.

To be equal and uniform, 220.

Property liable to, 218, 220.

Property which may be exempted from, 220.

Special tax for support of common schools and State University, levied, 221.

Restriction on, 230.

TERRITORY OF NEVADA—

Judicial officers of, when superseded, 217.

Laws of, to remain in force, 225, 226.

Fines accruing to, to inure to State, 226.

Recognizances and bonds to, to remain valid, 226.

Actions commenced in courts of, to continue, 226.

Property of, to vest in State, 226.

Indebtedness of, assumed by State, 227.

Certain officers of, to continue in office, 228.

TREASON—

Of what to consist, 204.

Conviction of, how only obtained, 204.

TREASURER OF STATE—

- How chosen, term of, eligibility, 213.
- Liable to impeachment, 217, 218.
- Office at seat of government, to keep, 224.
- Salary of, for first term under Constitution, 227.
- Not to receive fees or perquisites to his own use, 229.
- Bonds, to give, 230.

TREASURY—

- No money to be drawn from, but on appropriation, 208, 209.
- Statements of the receipts and expenditures of, to be published with laws, 208.
- Money, how drawn from, 209.
- Members of Legislature to be paid out of, 210.

TRIAL—

- By jury secured, 202.
- Rights of accused on, 203.
- In criminal, no person compelled to be a witness against himself, 203.

UNITED STATES GOVERNMENT—

- Powers of, declared, 202.
- Paramount allegiance due to, 202.

UNIVERSITY—

- To be established, 221.
- Departments of learning in, 221.
- Fund created for support of, 221.
- Board of Regents of, 221.
- Sectarian instruction in, prohibited, 222.

VETO—

- Of Governor, how exercised, 210, 211.
- How law passed over, by Legislature, 211.

VOTER—

- Qualifications of, 204, 231.
- Who not entitled to be, 204.
- Persons convicted of certain crimes disqualified as, 204.
- Residence of, what not to affect, 205.
- In military or naval service of United States, 205.
- Registration of, to be provided for, 205.
- Poll tax may be required of, 205.

WIFE—

- May hold certain property as separate property, 209.
- Laws to be passed defining property rights, 209.
- Laws to be passed providing for registration of separate property, 209.

YEAS AND NAYS—

- When to be entered on Journals of the Legislature, 207.

CERTIFICATE.

STATE OF NEVADA, }
DEPARTMENT OF STATE. } ss.

I, Eugene Howell, Secretary of State of the State of Nevada, do hereby certify that the foregoing is a true, full and correct copy of the existing Constitution of the State of Nevada, as the same appears in the enrolled Acts in my office.



In witness whereof, I have hereunto set my hand and affixed the Great Seal of State. Done at office in Carson City, Nevada, this 9th day of April, A. D. 1897.

EUGENE HOWELL,
Secretary of State.

STATE OF NEVADA

ANNUAL REPORT

OF THE

STATE TREASURER .

1895

W. J. WESTERFIELD, STATE TREASURER



CARSON CITY, NEVADA:

STATE PRINTING OFFICE, : : : J. G. MCCARTHY, SUPERINTENDENT

1896



REPORT.

HON. JOHN E. JONES, *Governor of Nevada:*

SIR: I have the honor to submit herewith my annual report for the year 1895, setting forth the financial transactions of the State, together with such tabular statements as are necessary to correctly exhibit its present financial condition.

W. J. WESTERFIELD,
State Treasurer.

EXHIBIT A.

Showing balance on hand January 1, 1895, and apportionment of same.

1895.	Balance on hand January 1, 1895.....	\$319,262 44
Jan. 1.....	To General Fund.....	\$139,191 16
	To State School Fund.....	78,645 88
	To General School Fund.....	69,799 58
	To State Interest and Sinking Fund.....	8,234 00
	To Territorial Interest and Sinking Fund.....	1,359 52
	To Insane Interest and Sinking Fund.....	1,097 54
	To State Library Fund.....	227 85
	To State Prison Fund.....	455 11
	To University Fund, 90,000-Acre Grant.....	7,868 26
	To Interest Account, 90,000-Acre Grant.....	1,061 43
	To State University Fund.....	12,140 18
	To Contingent University Fund.....	858 93
	To District Judges' Salary Fund.....	3,323 00
	Total	\$319,262 44

REPORT OF STATE TREASURER.

EXHIBIT B.

Showing receipts during the year 1885.

Date.	Sources of Revenue.	Apportioned To.	Amount.	Total.
1885.				
Jan. 1.	To balance.	State School Fund	\$41,288 91	\$319,282 44
Dec. 31.	To sale of State School lands.	University Fund, 90,000-Acre Grant	1,857 43	
	To sale of 90,000-Acre Grant lands.	State University Fund	160 00	
	To sale of State University lands.			43,286 34
	To interest on deferred school land payments.	General School Fund	\$67,744 16	
	To interest on deferred land payments, 90,000-Acre-Grant lands.	Interest Account, 90,000-Acre Grant	1,233 28	
	To interest on deferred payments, State University lands.	Contingent University Fund	565 14	
	To interest on Nevada 5 per cent bonds.	General School Fund	\$9,500 00	69,542 58
	To interest on Nevada 4 per cent bonds.	General School Fund	2,211 86	
		Interest Account, 90,000-Grant	848 44	
		Contingent University Fund	366 36	
	To interest on United States 4 per cent bonds.	State School Fund	\$6,000 00	12,926 66
		General School Fund	16,000 00	
		Interest Account, 90,000-Acre Grant	1,560 00	
		Contingent University Fund	440 00	
	To sale of Nevada 4 per cent bonds.	General Fund	\$48,000 00	24,000 00
		Contingent University Fund	9,000 00	
		Interest Account, 90,000-Acre Grant	5,000 00	
		State University Fund	38,000 00	
	To insurance licenses and certificates	General Fund		100,000 00
	To fees of Secretary of State and Clerk of Supreme Court.			4,914 98
		State Library Fund	\$939 45	
		Judicial Salary Fund	85 00	
		General Fund	507 50	
	To receipts from State Prison	State Prison Fund		1,531 95
	To receipts from State-Orphans' Home.	State Orphans' Home Fund		1,148 31
	To receipts from Nevada Hospital for Mental Diseases	State Indigent Insane Fund		247 50
	To sale of old desk, drawers, etc.	General Fund		766 00
	To sale of books from Library.	State Library Fund		9 00
				17 50

REPORT OF STATE TREASURER.

5

To State Librarian, to correct account with Attorney-General	State Library Fund	13 00
To escheated estates	State School Fund	22 60
To stationery sold to Nevada Hospital for Mental Diseases	General Fund	18 55
To Virginia and Truckee Railroad Company, error in freight charge refunded	General Fund	14 80
To county settlements		
	General Fund	\$150,822 68
	State School Fund	705 45
	General School Fund	10,431 14
	State Interest and Sinking Fund	19,718 19
	Territorial Interest and Sinking Fund	14,529 40
	State University and Sinking Fund	2,518 89
		198,225 75
To county payments to District Judges' salaries:		
Churchill county	District Judges' Salary Fund	\$350 00
Douglas county	District Judges' Salary Fund	313 00
Elko county	District Judges' Salary Fund	2,823 00
Esmeralda county	District Judges' Salary Fund	694 00
Eureka county	District Judges' Salary Fund	2,042 51
Humboldt county	District Judges' Salary Fund	1,875 00
Lander county	District Judges' Salary Fund	1,723 17
Lincoln county	District Judges' Salary Fund	400 00
Lyon county	District Judges' Salary Fund	562 00
Nye county	District Judges' Salary Fund	579 00
Ormsby county	District Judges' Salary Fund	728 00
Storey county	District Judges' Salary Fund	2,748 50
Washoe county	District Judges' Salary Fund	2,775 00
White Pine county	District Judges' Salary Fund	770 00
To Insane Interest and Sinking Fund surplus	State Interest and Sinking Fund	18,280 18
Total		1,097 54
		\$795,305 68

REPORT OF STATE TREASURER.

EXHIBIT B—Continued.

Showing disbursements during the year 1895.

Date.	Paid From.	Paid For.	Amount.	Total.
1895.				
Dec. 31.	By General Fund			
		Salary of Governor	\$3,656 63	
		Salary and per diem of Lieutenant-Governor, 1894	225 00	
		Per diem of Lieutenant-Governor, 1895	32 00	
		Salary of Secretary of State, 1894	250 00	
		Salary of Secretary of State, 1895	2,400 00	
		Salary of State Controller	2,400 00	
		Salary of State Treasurer	2,400 00	
		Salary of Attorney-General	1,999 93	
		Salary of Clerk of Supreme Court, 1894	1,000 00	
		Salary of Governor's Private Secretary	1,200 00	
		Salary of Deputy Secretary of State	1,200 00	
		Salary of Deputy State Controller	1,200 00	
		Salary of Deputy State Treasurer	1,200 00	
		Salary of Superintendent of State Printing	1,999 93	
		Salary of Director of Weather Service	600 00	
		Salary of Bailiff of Supreme Court	175 00	
		Salary of janitor, porters and night watchman	3,040 00	\$24,968 49
		Care of Capitol grounds and water works	\$648 62	
		Current expense	1,904 30	
		Stationery, fuel and lights	\$2,318 47	
		Bookbinding and official advertising	2,395 91	
		Furniture and repairs to State Capitol and Printing Office	999 60	
		Support of State Printing Office	9,698 58	
		Support of deaf, dumb and blind	1,568 80	
		Fish Commission	2,686 16	
		Elko Branch Fishery	960 23	
		Purchase of instruments and contingent expenses of Weather Service	45 05	
		State Board of Health expenses, etc.	523 10	
		Enforcing collection of revenue	28 10	
		Traveling expenses of District Judges	721 05	
		Refunding subscription to Midwinter Fair	14,239 61	
		Military encampment, 1894	453 95	
		Preparation of Legislative Halls	21 00	

REPORT OF STATE TREASURER.

7

By State School Fund.....	Clerk in State Library.....	700 00	48,531 49
	Deficiency in appropriations, 1893 and 1894.....	4,213 09	
	Deficiency in appropriations, 1894 and 1895.....	95 91	
	Shortage in salaries of State officers and deputies.....	228 17	
	Purchase of printing press and material.....	1,559 31	
	Building concrete walk east of Capitol.....	306 50	
	Purchasing books for State University.....	895 25	
	Salary of attorney at Washington.....	1,000 00	
	Deficiency of State Agricultural Society, 1894.....	3,013 65	
	Painting portrait of ex-Governor Colcord.....	500 00	
	Withdrawals of special deposits on land.....	\$774 18	
	Salary of Surveyor-General.....	2,400 00	
	Salary of Deputy Surveyor-General.....	1,200 00	
	Salary of Draughtsman in State Land Office.....	1,113 65	
	Salary of Clerks in State Land Office.....	1,515 50	
	Purchase of township plats.....	72 00	
	Shortage of salaries of State officers and deputies.....	26 34	
	Purchase of Nevada 4 per cent bonds.....	86,000 00	93,101 65
By General School Fund.....	Support of common schools.....	\$103,982 59	
	Salary of Superintendent of Public Instruction.....	2,000 00	
	Traveling expenses of Superintendent of Public Instruction.....	126 65	
	Shortage in salaries of State officers and deputies.....	20 00	
	Interest on Nevada 4 per cent bonds.....	\$3,046 66	106,129 24
By State Interest and Sinking Fund.....	Balance in fund taken to State Interest Sinking Fund.....	1,097 54	
By Insane Interest and Sinking Fund.....	Interest on Nevada 5 per cent bond.....	9,500 00	
By Territorial Interest and Sinking Fund.....	Interest on Nevada 4 per cent bonds.....	380 00	
By State University Interest and Sinking Fund.....	Purchase of books.....	1,178 19	
By State Library Fund.....	Salaries of Justices of Supreme Court.....	15,500 00	
By Judicial Salary Fund.....	Support of State Orphans' Home.....	13,723 07	
By State Orphans' Home Fund.....	Building annex to Orphans' Home.....	3,143 60	
By State Prison Fund.....	Support of State Prison.....	28,400 44	
	Repairs to Prison.....	1,926 04	
By State Indigent Insane Fund.....	Support of Hospital for Mental Diseases.....	33,237 76	
	Building vault and tower.....	2,273 59	
By University Fund, 90,000-Acre Grant.....	Purchase of Nevada 4 per cent bonds.....	5,000 00	
By Interest Account, 90,000-Acre Grant.....	Support of State University and laboratory.....	8,081 91	
By State University Fund.....	Purchase of Nevada 4 per cent bonds.....	9,000 00	
Carried forward.....		\$135,498 80	\$275,503 79

EXHIBIT B—Continued.

Showing disbursements during the year 1895.

Date.	Paid From.	Paid For.	Amount.	Total.
1895.	Brought forward.....		\$135,488 80	\$275,503 79
Dec. 31.	By Contingent University Fund.....	Support of University and laboratory.....	10,451 24	145,940 04
	By District Judges' Salary Fund.....	Salaries of District Judges.....	\$16,499 81	
	By Legislative Fund.....	Traveling expenses District Judges.....	284 45	
	By Insane Asylum Annex Fund.....	Per diem and mileage of officers and attaches of the Seventeenth Session.....	30,631 08	
	By State University Building Fund.....	Building annex to Nevada Hospital for Mental Dis- eases.....	9,488 57	
		Building dormitories to State University.....	29,004 14	85,868 05
	By balance.....			\$507,311 88
				287,993 80
				\$795,305 68

EXHIBIT C.

Showing the apportionment into and disbursements from the several funds during the year 1895.

Received.	Amount.	Disbursed.	Amount.
General Fund.....	\$203,787 51	General Fund.....	\$76,272 90
State School Fund.....	47,496 96	State School Fund.....	48,101 65
General School Fund.....	105,887 16	General School Fund.....	106,129 21
State Interest and Sinking Fund.....	20,815 73	State Interest and Sinking Fund.....	3,046 66
Territorial Interest and Sinking Fund.....	14,529 40	Territorial Interest and Sinking Fund.....	9,500 00
State Library Fund.....	969 95	State Library Fund.....	1,467 54
Judicial Salary Fund.....	85 00	Judicial Salary Fund.....	1,178 19
State Orphans' Home Fund.....	247 50	State Orphans' Home Fund.....	15,500 00
State Prison Fund.....	1,148 31	State Prison Fund.....	16,668 67
State Indigent Insane Fund.....	766 00	State Prison Fund.....	30,326 48
University Fund, 90,000-Acre Grant.....	1,857 43	State Indigent Insane Fund.....	35,511 35
Interest Account, 90,000-Acre Grant.....	8,641 72	University Fund, 90,000-Acre Grant.....	5,000 00
State University Fund.....	160 00	Interest Account, 90,000-Acre Grant.....	8,081 91
Contingent University Fund.....	10,371 50	State University Fund.....	9,000 00
District Judges' Salary Fund.....	18,260 18	Contingent University Fund.....	10,451 24
State University Building Fund.....	38,000 00	District Judges' Salary Fund.....	16,764 26
State University Interest and Sinking Fund.....	2,518 89	Insane Asylum Annex Fund.....	9,498 57
		State University Building Fund.....	29,004 14
		State University Interest and Sinking Fund.....	380 00
		Legislative Fund.....	30,631 08
Total.....	\$476,043 24	Total.....	\$507,311 88

REPORT OF STATE TREASURER.

EXHIBIT D.

Showing transfers made during the year 1895.

1895.			
Dec. 31-----	General Fund to Judicial Salary Fund.....	\$15,415 00	
	General Fund to State Orphans' Home Fund..	16,812 08	
	General Fund to State Prison Fund.....	29,019 22	
	General Fund to State Indigent Fund.....	34,935 55	
	General Fund to District Judges' Salary Fund..	264 45	
	General Fund to Insane Asylum Annex Fund..	9,818 37	
	General Fund to Legislative Fund.....	32,000 00	
			\$138,264 67
	Interest Account, 90,000-Acre Grant, to Contin-		
	gent University Fund.....	\$500 09	
	Legislative Fund to General Fund.....	1,368 82	
			1,869 01
			\$140,133 68

EXHIBIT E.

Showing balance on hand January 1, 1895, receipts and disbursements during the year and balance on hand December 31, 1895.

Balance on hand January 1, 1895.....	\$319,262 44
Received during the year 1895.....	476,043 24
	\$795,305 68
Disbursements during the year.....	507,311 88
	\$287,993 80
Balance in the Treasury December 31, 1895.....	
<i>Apportioned to funds, as follows:</i>	
General Fund.....	\$129,810 02
State School Fund.....	33,541 19
General School Fund.....	69,557 50
State Interest and Sinking Fund.....	21,003 07
Territorial Interest and Sinking Fund.....	6,388 92
University Fund, 90,000-Acre Grant.....	4,725 69
Interest Account, 90,000-Acre Grant.....	1,121 15
District Judges' Salary Fund.....	5,083 37
State University Fund.....	3,300 18
State University Building Fund.....	8,995 86
Contingent University Fund.....	1,279 28
University Interest and Sinking Fund.....	2,138 89
State Orphans' Home Fund.....	192 91
State Prison Fund.....	296 16
State Indigent Insane Fund.....	190 20
State Library Fund.....	19 61
Insane Asylum Annex Fund.....	349 80
Total.....	\$287,993 80

EXHIBIT F.

Showing county settlements in 1895.

Counties.	June.	December.	Total.
Churchill county		\$4,761 90	\$4,761 90
Douglas county	\$82 31	7,489 85	7,572 16
Elko county		35,985 68	35,985 68
Esmeralda county		5,358 77	5,358 77
Eureka county		14,182 22	14,182 22
Humboldt county	253 15	28,015 39	28,268 54
Lander county		11,891 63	11,891 63
Lincoln county	266 52		266 52
Lyon county		10,304 00	10,304 00
Nye county	682 79	2,180 78	2,863 57
Ormsby county		12,816 98	12,816 98
Storey county	1,294 14	13,800 19	15,094 33
Washoe county	1,564 07	43,208 76	44,772 83
White Pine county		4,086 62	4,086 62
Totals	\$4,142 98	\$194,082 77	\$198,225 75

EXHIBIT G.

Showing warrants outstanding January 1, 1895; warrants drawn, registered, paid, canceled and returned to Controller during the year 1895; also warrants outstanding December 31, 1895.

Funds.	Outstanding January 1, 1895.	Warrants drawn and registered, 1895.	Warrants paid, can- celed and returned.	Warrants outstanding December 31, 1895.
General Fund	\$1,971 95	\$74,952 74	\$76,272 90	\$651 79
State School Fund		93,283 48	93,101 65	181 83
General School Fund		111,941 13	106,129 24	5,811 89
State Interest and Sinking Fund		3,046 66	3,046 66	
Territorial Interest and Sinking Fund		9,500 00	9,500 00	
Insane Interest and Sinking Fund		1,097 54	1,097 54	
State Library Fund	14 00	1,164 19	1,178 19	
Judicial Salary Fund	500 00	15,000 00	15,500 00	
State Orphans' Home Fund	71 97	16,962 61	16,866 67	167 91
State Prison Fund	113 03	30,428 61	30,326 48	215 16
State Indigent Insane Fund	244 87	35,366 68	35,511 35	100 20
University Fund, 90,000-Acre Grant		5,000 00	5,000 00	
Interest Account, 90,000-Acre Grant		8,081 91	8,081 91	
State University Fund		9,000 00	9,000 00	
Contingent University Fund		10,451 24	10,451 24	
District Judges' Salary Fund	500 00	17,264 25	16,764 26	999 99
Insane Asylum Annex Fund		9,818 37	9,468 57	349 80
University Building Fund		29,011 14	29,004 14	7 00
University Interest and Sinking Fund		380 00	380 00	
Legislative Fund		30,631 08	30,631 08	
Totals	\$3,415 82	\$512,381 63	\$507,311 88	\$8,485 57

EXHIBIT H,

Showing list of United States bonds and Nevada State bonds held by the different funds and accrued interest.

1895,	Funds,	Description of Bonds.	Amount.	Total.
Dec, 31.....	State School Fund.....	Nevada 5 per cent bond.....	\$390,000 00	
		Nevada 4 per cent bonds.....	181,000 00	
		United States 4 per cent bonds.....	550,000 00	\$1,111,000 00
	University Fund, 90,000-Acre Grant.....	Nevada 4 per cent bonds.....	\$19,400 00	
		United States 4 per cent bonds.....	39,000 00	88,000 00
	State University Fund.....	Nevada 4 per cent bonds.....	\$20,000 00	
		United States 4 per cent bonds.....	11,000 00	31,000 00
		<i>Accrued Interest.</i>		<u>\$1,230,000 00</u>
	State School Fund.....	On United States 4 per cent bonds.....	\$5,500 00	
		On Nevada 4 per cent bonds.....	3,186 66	
		On Nevada 5 per cent bonds.....	9,500 00	\$18,086 66
	University Fund, 90,000-Acre Grant.....	On United States 4 per cent bonds.....	\$390 00	
		On Nevada 4 per cent bonds.....	930 00	
	State University Fund.....	On United States 4 per cent bonds.....	\$110 00	
		On Nevada 4 per cent bonds.....	390 00	1,320 00
	Total.....			500 00
				<u>\$19,906 66</u>

EXHIBIT I.
Detailed statement of outstanding Nevada State bonds.

Fund.	Description of Bond.	Issued.	Life.	Interest Payments.	Rate Pr. Ct.	Amount.	Total.
State School Fund-----	1 Nevada 5 per cent bond-----	April 1, 1879-----	Irredeemable-----	Jan. 1-----	July 1-----	-----	\$380,000 00
	5 bonds, 58 to 62, inclusive, \$1,000 each-----	Oct. 1, 1889-----	10 years-----	Jan. 1-----	July 1-----	\$5,000 00	
	20 bonds, 63 to 82, inclusive, \$1,000 each-----	Nov. 1, 1889-----	10 years-----	Jan. 1-----	July 1-----	20,000 00	
	10 bonds, 83 to 92, inclusive, \$1,000 each-----	Aug. 15, 1891-----	10 years-----	Jan. 1-----	July 1-----	10,000 00	
	20 bonds, 93 to 112, inclusive, \$1,000 each-----	Sept. 1, 1891-----	10 years-----	Jan. 1-----	July 1-----	20,000 00	
	20 bonds, 113 to 132, inclusive, \$1,000 each-----	Nov. 1, 1891-----	10 years-----	Jan. 1-----	July 1-----	20,000 00	
	10 bonds, 133 to 142, inclusive, \$1,000 each-----	Sept. 30, 1893-----	10 years-----	Jan. 1-----	July 1-----	10,000 00	
	10 bonds, 143 to 152, inclusive, \$1,000 each-----	Oct. 31, 1893-----	10 years-----	Jan. 1-----	July 1-----	10,000 00	
	38 bonds, 1 to 38, inclusive, \$1,000 each-----	April 1, 1895-----	20 years-----	Jan. 1-----	July 1-----	38,000 00	
	20 bonds, 1 to 20, inclusive, \$1,000 each-----	Sept. 2, 1895-----	10 years-----	Jan. 1-----	July 1-----	20,000 00	
University Fund, 90-000-Acre Grant-----	20 bonds, 21 to 40, inclusive, \$1,000 each-----	Oct. 31, 1895-----	10 years-----	Jan. 1-----	July 1-----	20,000 00	181,000 00
	8 bonds, 41 to 48, inclusive, \$1,000-----	Nov. 30, 1895-----	10 years-----	Jan. 1-----	July 1-----	8,000 00	
	5 bonds, 1 to 5, inclusive, \$1,000 each-----	May 1, 1889-----	10 years-----	Jan. 1-----	July 1-----	\$5,000 00	
	5 bonds, 6 to 10, inclusive, \$1,000 each-----	Aug. 1, 1889-----	10 years-----	Jan. 1-----	July 1-----	5,000 00	
	5 bonds, 11 to 15, inclusive, \$1,000 each-----	Oct. 1, 1889-----	10 years-----	Jan. 1-----	July 1-----	5,000 00	
	10 bonds, 16 to 25, inclusive, \$1,000 each-----	Feb. 28, 1890-----	10 years-----	Jan. 1-----	July 1-----	10,000 00	
	10 bonds, 26 to 35, inclusive, \$1,000 each-----	June 11, 1890-----	10 years-----	Jan. 1-----	July 1-----	10,000 00	
	3 bonds, 36 to 38, inclusive, \$1,000 each-----	Nov. 11, 1890-----	10 years-----	Jan. 1-----	July 1-----	3,000 00	
	2 bonds, 5 to 6, inclusive, \$1,000 each-----	Sept. 30, 1893-----	10 years-----	Jan. 1-----	July 1-----	2,000 00	
	2 bonds, 7 to 8, inclusive, \$1,000 each-----	Dec. 30, 1893-----	10 years-----	Jan. 1-----	July 1-----	2,000 00	
State University Fund-----	1 bond, 11, \$1,000-----	Feb. 28, 1894-----	10 years-----	Jan. 1-----	July 1-----	1,000 00	49,000 00
	1 bond, 14, \$1,000-----	May 31, 1894-----	10 years-----	Jan. 1-----	July 1-----	1,000 00	
	5 bonds, 7 to 11, inclusive, \$1,000 each-----	Oct. 1, 1895-----	10 years-----	Jan. 1-----	July 1-----	5,000 00	
	3 bonds, 1 to 3, inclusive, \$1,000 each-----	May 1, 1893-----	10 years-----	Jan. 1-----	July 1-----	\$3,000 00	
	1 bond, 4, \$1,000-----	June 30, 1893-----	10 years-----	Jan. 1-----	July 1-----	1,000 00	
	2 bonds, 9 to 10, inclusive, \$1,000 each-----	Dec. 30, 1893-----	10 years-----	Jan. 1-----	July 1-----	2,000 00	
	1 bond, 12, \$1,000-----	April 21, 1894-----	10 years-----	Jan. 1-----	July 1-----	1,000 00	
	1 bond, 13, \$1,000-----	May 31, 1894-----	10 years-----	Jan. 1-----	July 1-----	1,000 00	
	1 bond, 15, \$1,000-----	Oct. 31, 1894-----	10 years-----	Jan. 1-----	July 1-----	1,000 00	
	2 bonds, 16 to 17, inclusive, \$1,000 each-----	Nov. 30, 1894-----	10 years-----	Jan. 1-----	July 1-----	2,000 00	
Carried forward-----						\$11,000 00	\$610,000 00

EXHIBIT I—Continued.

Detailed statement of outstanding Nevada State bonds.

Fund.	Description of Bond.	Issued.	Life.	Interest Payments.	Rate— Pr. Ct.	Amount.	Total.
Brought forward State University Fund	3 bonds, 18 to 20, inclusive, \$1,000 each	Mar. 30, 1895.	10 years	Jan. 1	4	\$11,000 00	\$810,000 00
	5 bonds, 1 to 15, inclusive, \$1,000 each	June 1, 1895.	10 years	July 1	4	3,000 00	
	1 bond, 6, \$1,000.	Oct. 1, 1895.	10 years	Jan. 1	4	5,000 00	
				July 1		1,000 00	
Total						20,000 00	\$830,000 00

INDEX.

A	
Showing balance of coin on hand January 1, 1895, and apportionment of same.....	PAGE. 3
B	
Showing receipts and disbursements for the year 1895.....	4
C	
Showing apportionments into and disbursements from the several funds during year 1895....	9
D	
Showing transfers made during the year 1895.....	10
E	
Showing balance on hand January 1, 1895, receipts and disbursements during the year, balance on hand December 31, 1895, and apportionment of same.....	10
F	
County settlements for the year 1895.....	11
G	
Showing warrants outstanding January 1, 1895; warrants drawn, registered, paid, canceled and returned to Controller during 1895; also warrants outstanding December 31, 1895.....	11
H	
Showing list of United States bonds and Nevada State bonds held by the different funds, and accrued interest on same.....	12
I	
Detailed statement of outstanding Nevada State bonds.....	13



STATE OF NEVADA

ANNUAL REPORT

OF THE

STATE TREASURER

1896

W. J. WESTERFIELD, STATE TREASURER



CARSON CITY, NEVADA:

STATE PRINTING OFFICE, : : J. G. MCCARTHY, SUPERINTENDENT
1897



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CARSON CITY, NEVADA:
STATE PRINTING OFFICE, : : J. G. MCCARTHY, SUPERINTENDENT
1897



REPORT.

HON. R. SADLER, *Governor of Nevada* :

SIR: I herewith respectfully submit my annual report showing the financial transactions of the State of Nevada during the year 1896. Also a continuation of statistical tables from previous years.

W. J. WESTERFIELD,
State Treasurer.

EXHIBIT A

Showing balance on hand January 1, 1896, and apportionment of same.

Date.	Apportioned To.	Totals.	Total.
1896. Jan. 1	Balance on hand January 1, 1896.		\$287,993 80
	General Fund	\$129,810 02	
	State School Fund	33,541 19	
	State Interest and Sinking Fund	69,557 50	
	Territorial Interest and Sinking Fund	21,003 07	
	University Fund, 90,000-Acre Grant	6,388 92	
	Interest Account, 90,000-Acre Grant	4,725 69	
	District Judges' Salary Fund	1,121 15	
	State University Fund	5,083 37	
	State University Building Fund	3,300 18	
	Confingent University Fund	8,995 86	
	University Interest and Sinking Fund	1,279 28	
	State Orphans' Home Fund	2,138 89	
	State Prison Fund	192 91	
	State Indigent Insane Fund	296 16	
	State Library Fund	190 20	
	Insane Asylum Annex Fund	19 61	
		349 80	
			\$287,993 80

EXHIBIT B

Showing receipts during the year 1896.

Date.	Sources of Revenue.	Apportioned To.	Amount.	Total.
1896. Jan. 1	To balance			\$287,993 80
Dec. 31	To sale of State School lands	State School Fund	\$21,774 68	
	To sale of University 90,000-Acre Grant lands	University Fund, 90,000-Acre Grant	499 07	
	To sale of State University lands	State University Fund	230 00	
	To interest on State School lands	General School Fund	\$60,907 97	
	To interest on 90,000-Acre Grant lands	Interest Account, 90,000-Acre Grant	1,011 33	
				22,503 75
				\$287,993 80

REPORT OF STATE TREASURER.

5

To interest on State University lands	Contingent University Fund	538 37	62,457 67
To sale of Nevada 4 per cent bonds	Interest Account, 90,000-Acre Grant	\$3,000 00	
To sale of Nevada 4 per cent bonds	Contingent University Fund	2,000 00	
To interest on Nevada 4 per cent bonds	General School Fund	\$10,326 66	5,000 00
To interest on Nevada 4 per cent bonds	Interest Account, 90,000-Acre Grant	2,980 00	
To interest on Nevada 4 per cent bonds	Contingent University Fund	1,230 00	14,536 66
To interest on United States bonds	State School Fund	\$5,991 00	
To interest on United States bonds	General School Fund	16,000 00	
To interest on United States bonds	Interest Account, 90,000-Acre Grant	1,560 00	
To interest on United States bonds	Contingent University Fund	440 00	
To insurance licenses and certificate	General Fund	\$4,225 00	23,991 00
To receipts from State Prison	State Prison Fund	1,655 94	
To receipts from State Orphans' Home	State Orphans' Home Fund	113 00	5,983 94
To redemption of Nevada 4 per cent bonds	State School Fund	\$28,000 00	56,500 00
To interest on Nevada 5 per cent bonds	State School Fund	28,500 00	
To receipts from Nevada Hospital for Mental Diseases	Indigent Insane Fund	\$1,305 74	
To fees of Clerk Supreme Court and Secretary of State	General Fund	835 70	
To miscellaneous receipts	State Library Fund	1,446 20	
	Judicial Salary Fund	115 00	
	General Fund	4 60	
	State School Fund	50 00	\$3,757 24
To county payments to District Judges' salaries:	District Judges' Salary Fund	\$350 00	
Churhill county	District Judges' Salary Fund	313 00	
Douglas county	District Judges' Salary Fund	532 75	
Esmeralda county	District Judges' Salary Fund	2,042 54	
Eureka county	District Judges' Salary Fund	2,823 00	
Elko county	District Judges' Salary Fund	1,875 00	
Humboldt county	District Judges' Salary Fund	1,378 48	
Lander county	District Judges' Salary Fund	592 00	
Lyon county	District Judges' Salary Fund	400 00	
Lincoln county	District Judges' Salary Fund	579 00	
Nye county	District Judges' Salary Fund	728 00	
Ormsby county	District Judges' Salary Fund	917 50	
Storey county	District Judges' Salary Fund		
Carried forward		\$12,531 27	\$482,794 06

REPORT OF STATE TREASURER.

EXHIBIT B—Continued.
Showing receipts during the year 1896.

Date.	Sources of Revenue.	Appportioned To.	Amount.	Total.
1896. Dec. 31.	Brought forward		\$12,531 27	\$482,734 06
	Washoe county	District Judges' Salary Fund	2,775 00	
	White Pine county	District Judges' Salary Fund	778 00	
	To county settlements	General Fund	\$154,934 88	16,084 27
		State School Fund	495 40	
		General School Fund	10,323 57	
		State Interest and Sinking Fund	20,071 56	
		Territorial Interest and Sinking Fund	14,792 30	
		University interest and Sinking Fund	2,535 89	
	Total receipts			203,153 80
				701,972 13

EXHIBIT B

Showing disbursements during the year 1896.

Date.	Paid From.	Paid For.	Amount.	Total.
1896. Dec. 31.	By General Fund	Salary of Governor, including December, 1895	\$4,333 37	
		Per diem and mileage Lieutenant-Governor	967 00	
		Salary of Secretary of State	2,400 00	
		Salary of State Controller	2,400 00	
		Salary of State Treasurer	2,400 00	
		Salary of Attorney-General	1,946 25	
		Salary of Governor's Private Secretary	1,161 30	
		Salary of Deputy Secretary of State	1,200 00	
		Salary of Deputy State Controller	1,200 00	
		Salary of Deputy State Treasurer	1,200 00	
		Salary of Superintendent of State Printing	2,000 07	
		Salary of Director of Weather Service	550 00	
		Salary of Clerk of State Library	720 00	
		Salary of Porter and Night Watchman	1,880 00	

REPORT OF STATE TREASURER.

7

By General Fund	Salary of Janitor	1,080 00	\$23,438 89
	Pay of Bailiff of Supreme Court	\$190 00	
	Capitol grounds and water works	1,243 50	
	Current expense	1,695 76	
	Contingent expense of Weather Service	10 15	
	Stationery, fuel and light	1,656 15	
	Official advertising and book binding	602 49	
	Furniture and repairs	966 36	
	Support of State Printing	2,331 42	
	Refunding subscription to Midwinter Fair	137 50	
	Support of deaf, dumb and blind	1,260 60	
	Support of Fish Commission	313 84	
	Support of Elko branch fishery	39 77	
	Support of State Board of Health	426 60	
By General Fund	Traveling expenses District Judges	\$1,317 10	10,874 14
	Preparation of Legislative Halls	200 00	
	Shortage of salaries of State officers and deputies, 1895	18 82	
	Purchasing printing press and material	440 69	
	Purchase of books for University	591 24	
	Salary of attorney at Washington	375 00	
	Election expenses	324 64	
	Rewards offered by Governor	700 00	
By State School Fund	Withdrawals of deposits on State lands	873 48	3,967 49
	Salary of Surveyor-General	2,200 00	
	Salary of Deputy Surveyor-General	1,200 00	
	Salary of Draughtsman in State Land Office	1,200 00	
	Salary of Clerks in State Land Office	1,070 85	
	Purchase of township plats	138 00	
	Purchase of United States bonds	43,000 07	
By General School Fund	Support of common schools	\$118,003 14	49,682 40
	Traveling expenses of Superintendent of Public Instruction	374 30	
	Teachers' Institute—expense of	200 00	
By State Interest and Sinking Fund	Interest on Nevada 4 per cent bonds	\$12,256 66	118,577 44
	Purchase Nevada 4 per cent bonds	23,000 00	
By Territorial Interest and Sinking Fund	Interest on Nevada 5 per cent bonds	23,500 00	
By State University Interest and Sinking Fund	Interest on Nevada 4 per cent bonds	2,280 00	
Carried forward		\$71,036 66	\$208,539 86

REPORT OF STATE TREASURER.

EXHIBIT B—Continued.
Showing disbursements during the year 1896.

Date.	Paid From.	Paid For.	Amount.	Total.
1896.				
Dec. 31.				
	Brought forward.....		\$71,036 66	\$208,539 86
	By State Library Fund.....	Purchase of books, etc.....	1,053 11	
	By Judicial Salary Fund.....	Salaries of Justices of Supreme Court.....	14,125 00	
	By State Orphans' Home Fund.....	Support of State Orphans' Home.....	\$14,810 39	86,214 77
	By State Prison Fund.....	Building dormitory.....	856 40	
	By Indigent Insane Fund.....	Support of Nevada State Prison.....	33,077 85	
		Repairs to Prison.....	1,074 07	
		Support of Nevada Hospital for Mental Diseases.....	36,860 95	
		Improvements to Nevada Hospital for Mental Dis- cases.....	677 44	
	By University Fund, 90,000-Acre Grant.....	Purchase of Nevada 4 per cent bonds.....	3,000 00	
	By Interest Account, 90,000-Acre Grant.....	Withdrawal of special deposits on lands.....	30 00	
	By Contingent University Fund.....	Support of University and Laboratory.....	6,918 09	
	By State University Fund.....	Support of State University.....	4,548 76	
	By District Judges' Salary Fund.....	Purchase of Nevada 4 per cent bonds.....	2,000 00	
	By Insane Asylum Annex Fund.....	Salaries of District Judges.....	17,333 45	
	By State University Building Fund.....	Building Annex to Nevada Hospital for Mental Dis- cases.....	4,233 95	
		Building dormitories to University.....	8,905 83	
	Total disbursements.....			134,327 18
	By balance in Treasury, December 31, 1896.....			\$429,081 81
				272,800 32
				\$701,972 13

REPORT OF STATE TREASURER.

9

EXHIBIT C

Showing the apportionment into and disbursements from the several funds during the year 1886.

Received.	Amount.	Disbursed.	Amount.
General Fund	\$160,000 18	General Fund	\$40,280 02
State School Fund	56,311 28	State School Fund	49,682 40
General School Fund	126,038 20	General School Fund	118,577 44
State Interest and Sinking Fund	20,071 56	State Interest and Sinking Fund	40,256 66
Territorial Interest and Sinking Fund	14,792 30	Territorial Interest and Sinking Fund	28,500 00
State University Interest and Sinking Fund	2,535 89	State University Interest and Sinking Fund	2,280 00
State Library Fund	1,446 20	State Library Fund	1,053 11
Judicial Salary Fund		State University Building Fund	8,905 83
State Orphans' Home Fund	115 00	Judicial Salary Fund	14,125 00
State Prison Fund	113 00	State Orphans' Home Fund	15,666 79
State Indigent Insane Fund	1,655 94	State Prison Fund	34,151 92
University Fund, 90,000-Acre Grant	1,395 74	State Indigent Insane Fund	37,538 39
State University Fund	469 07	University Fund, 90,000-Acre Grant	3,030 00
Contingent University Fund	230 00	State University Fund	2,000 00
District Judges' Salary Fund	4,208 37	Contingent University Fund	4,548 76
Interest Account, 90,000-Acre Grant	16,084 27	District Judges' Salary Fund	17,333 45
		Insane Asylum Annex Fund	4,233 95
		Interest Account, 90,000-Acre Grant	6,918 09
Total	\$413,978 33	Total	\$429,081 81

REPORT OF STATE TREASURER.

EXHIBIT D

Showing transfers made during the year 1896.

1896.		
Dec. 31	General Fund to Judicial Salary Fund.....	\$14,885 00
	General Fund to State Orphans' Home Fund.....	15,894 83
	General Fund to State Prison Fund.....	32,870 07
	General Fund to State Indigent Insane Fund.....	36,157 73
	General Fund to Insane Asylum Annex Fund.....	4,470 15
	General Fund to Territorial Interest Fund.....	12,292 24
	Total	\$116,570 02

EXHIBIT E

Showing balance on hand January 1, 1896, receipts and disbursements during the year and balance on hand December 31, 1896.

Balance on hand January 1, 1896.....	\$287,993 80
Received during the year 1896	413,978 33
	\$701,972 13
Disbursed during the year.....	429,081 81
Balance on hand December 31, 1896.....	\$272,890 32
<i>Apportioned to funds as follows:</i>	
General Fund.....	\$132,960 16
State School Fund.....	40,170 07
General School Fund.....	77,038 26
State Interest and Sinking Fund.....	817 97
Territorial Interest Fund.....	4,973 46
State Library Fund.....	412 70
University Interest and Sinking Fund.....	2,394 78
State Orphans' Home Fund.....	533 95
State Prison Fund.....	670 25
State Indigent Insane Fund.....	115 28
Insane Asylum Annex Fund.....	586 00
Judicial Salary Fund.....	875 00
District Judges' Salary Fund.....	3,834 19
State University Fund.....	1,530 18
State University Building Fund.....	90 03
Contingent University Fund.....	938 89
Interest Account, 90,000-Acre Grant.....	2,754 39
University Fund, 90,000-Acre Grant.....	2,194 76
Total.....	\$272,890 32

EXHIBIT F

Showing county settlements in 1896.

Counties.	June.	December.	Total.
Churchill county		\$4,703 45	\$4,703 45
Douglas county	\$55 11	7,787 47	7,842 58
Elko county	472 03	38,584 05	39,056 08
Esmeralda county	1,010 60	6,134 34	7,144 94
Eureka county		13,671 31	13,671 31
Humboldt county		29,063 58	29,063 58
Lander county		12,858 36	12,858 36
Lincoln county (due December, 1895)	3,906 46		
Lincoln county	1,333 29		5,239 75
Nye county	220 95		220 95
Ormsby county		12,947 12	12,947 12
Storey county	90 26	12,966 60	13,056 86
Washoe county	748 22	42,496 40	43,244 62
White Pine county	175 96	4,057 25	4,233 21
Lyon county		9,870 99	9,870 99
Totals	\$8,012 88	\$195,140 92	\$203,153 80

EXHIBIT G

Showing warrants outstanding January 1, 1896; warrants drawn, registered, paid, canceled and returned to Controller during the year 1896; also warrants outstanding December 31, 1896.

Funds.	Outstanding January 1, 1896.	Warrants drawn and registered, 1896.	Warrants paid, canceled and returned.	Warrants outstanding December 31, 1896.
General Fund	\$651 79	\$41,054 88	\$40,280 02	\$1,426 65
State School Fund	181 83	49,951 85	49,682 40	451 28
General School Fund	5,811 89	118,851 25	118,577 44	6,085 70
State Interest and Sinking Fund		40,256 66	40,256 66	
Territorial Interest and Sinking Fund		28,500 00	28,500 00	
State Library Fund		1,075 26	1,053 11	22 15
Judicial Salary Fund		15,000 00	14,125 00	875 00
State Orphans' Home Fund	167 91	16,032 83	15,666 79	533 95
State Prison Fund	215 16	34,607 01	34,151 92	670 25
State Indigent Insane Fund	100 20	37,553 47	37,538 39	115 28
University Fund, 90,000-Acre Grant		3,030 00	3,030 00	
Interest Account, 90,000-Acre Grant		6,918 09	6,918 09	
State University Fund		2,000 00	2,000 00	
Contingent University Fund		4,548 76	4,548 76	
District Judges' Salary Fund	999 99	17,000 20	17,333 45	666 74
Insane Asylum Annex Fund	349 80	4,470 15	4,233 95	586 00
University Building Fund	7 00	8,898 83	8,905 83	
University Interest and Sinking Fund		2,280 00	2,280 00	
Totals	\$8,485 57	\$432,029 24	\$429,081 81	\$11,433 00

EXHIBIT H

Showing list of United States bonds and Nevada State bonds held by different funds and accrued interest.

1896.	Funds.	Description of Bonds.	Amount.	Total.
Dec. 31	State School Fund	Nevada 5 per cent bonds	\$380,000 00	
		Nevada 4 per cent bonds	153,000 00	
		United States 4 per cent bonds	590,000 00	\$1,123,000 00
	University Fund, 90,000-Acre Grant.	Nevada 4 per cent bonds	\$52,000 00	
		United States 4 per cent bonds	39,000 00	91,000 00
	State University Fund	Nevada 4 per cent bonds	\$22,000 00	
		United States 4 per cent bonds	11,000 00	33,000 00
		<i>Accrued Interest.</i>		\$1,247,000 00
	State School Fund	On United States 4 per cent bonds, 4th quarter, 1896	\$5,900 00	
	University Fund, 90,000-Acre Grant	On United States 4 per cent bonds, 4th quarter, 1896	390 00	
	State University Fund	On United States 4 per cent bonds, 4th quarter, 1896	110 00	\$6,400 00

EXHIBIT I
Detailed statement of outstanding Nevada State bonds, December 31, 1896.

Fund.	Description of Bond.	Issued.	Life.	Interest Payments.	Rate Pr. Ct.	Amount.	Total.
State School Fund	1 Nevada, 5 per cent bond	April 1, 1879	Irredeemable.	Jan. and July	5	---	\$380,000 00
	7 bonds, 86 to 92, inclusive, \$1,000 each	April 15, 1891	10 years	Jan. and July	4	\$7,000 00	
	20 bonds, 93 to 112, inclusive, \$1,000 each	Sept. 1, 1891	10 years	Jan. and July	4	20,000 00	
	20 bonds, 113 to 132, inclusive, \$1,000 each	Nov. 1, 1891	10 years	Jan. and July	4	20,000 00	
	10 bonds, 133 to 142, inclusive, \$1,000 each	Sept. 30, 1893	10 years	Jan. and July	4	10,000 00	
	10 bonds, 143 to 152, inclusive, \$1,000 each	Oct. 31, 1893	10 years	Jan. and July	4	10,000 00	
	38 bonds, 1 to 38, inclusive, \$1,000 each	April 1, 1895	20 years	Jan. and July	4	38,000 00	
	20 bonds, 1 to 20, inclusive, \$1,000 each	Sept. 2, 1895	10 years	Jan. and July	4	20,000 00	
	20 bonds, 21 to 40, inclusive, \$1,000 each	Oct. 31, 1895	10 years	Jan. and July	4	20,000 00	153,000 00
	8 bonds, 41 to 48, inclusive, \$1,000 each	Nov. 30, 1895	10 years	Jan. and July	4	8,000 00	
University Fund, 90,000-Acre Grant	5 bonds, 1 to 5, inclusive, \$1,000 each	May 1, 1889	10 years	Jan. and July	4	\$5,000 00	\$533,000 00
	5 bonds, 6 to 10, inclusive, \$1,000 each	Aug. 1, 1889	10 years	Jan. and July	4	5,000 00	
	5 bonds, 11 to 15, inclusive, \$1,000 each	Oct. 1, 1889	10 years	Jan. and July	4	5,000 00	
	10 bonds, 16 to 25, inclusive, \$1,000 each	Feb. 28, 1890	10 years	Jan. and July	4	10,000 00	
	10 bonds, 26 to 35, inclusive, \$1,000 each	June 11, 1890	10 years	Jan. and July	4	10,000 00	
	3 bonds, 36 to 38, inclusive, \$1,000 each	Nov. 11, 1890	10 years	Jan. and July	4	3,000 00	
	2 bonds, 5 to 6, inclusive, \$1,000 each	Sept. 30, 1893	10 years	Jan. and July	4	2,000 00	
	2 bonds, 7 to 8, inclusive, \$1,000 each	Dec. 30, 1893	10 years	Jan. and July	4	2,000 00	
	1 bond, 11	Feb. 28, 1894	10 years	Jan. and July	4	1,000 00	52,000 00
	1 bond, 14	May 31, 1894	10 years	Jan. and July	4	1,000 00	
University Fund, 90,000-Acre Grant	5 bonds, 7 to 11, inclusive, \$1,000 each	Oct. 1, 1895	10 years	Jan. and July	4	5,000 00	52,000 00
	3 bonds, 12 to 14, inclusive, \$1,000 each	April 1, 1896	10 years	Jan. and July	4	3,000 00	
State University Fund	3 bonds, 1 to 3, inclusive, \$1,000 each	May 1, 1893	10 years	Jan. and July	4	\$3,000 00	\$9,000 00
	1 bond, 4, \$1,000	June 30, 1893	10 years	Jan. and July	4	1,000 00	
	2 bonds, 9 and 10, inclusive, \$1,000 each	Dec. 30, 1893	10 years	Jan. and July	4	2,000 00	
	1 bond, 12, \$1,000	April 21, 1894	10 years	Jan. and July	4	1,000 00	
	1 bond, 13, \$1,000	May 31, 1894	10 years	Jan. and July	4	1,000 00	
	1 bond, 15, \$1,000	Oct. 31, 1894	10 years	Jan. and July	4	1,000 00	
Carried forward						\$9,000 00	\$885,000 00

EXHIBIT I—Continued.
Detailed statement of outstanding Nevada State bonds.

Fund.	Description of Bond.	Issued.	Life.	Interest Payments.	Rate— Pr. Ct.	Amount.	Total.
Brought forward							
State University Fund.	2 bonds, 16 to 17, inclusive, \$1,000 each	Nov. 30, 1894	10 years	Jan. and July	4	\$9,000 00	\$585,000 00
	3 bonds, 18 to 20, inclusive, \$1,000 each	Mar. 30, 1895	10 years	Jan. and July	4	2,000 00	
	5 bonds, 1 to 5, inclusive \$1,000 each	June 1, 1895	10 years	Jan. and July	4	3,000 00	
	1 bond, 6, \$1,000	Oct. 1, 1895	10 years	Jan. and July	4	5,000 00	
	2 bonds, 15 and 16, \$1,000 each	July 1, 1896	10 years	Jan. and July	4	1,000 00	
	Total					2,000 00	22,000 00
							\$607,000 00

EXHIBIT J
Statement of Nevada State bonds redeemed and canceled during 1896.

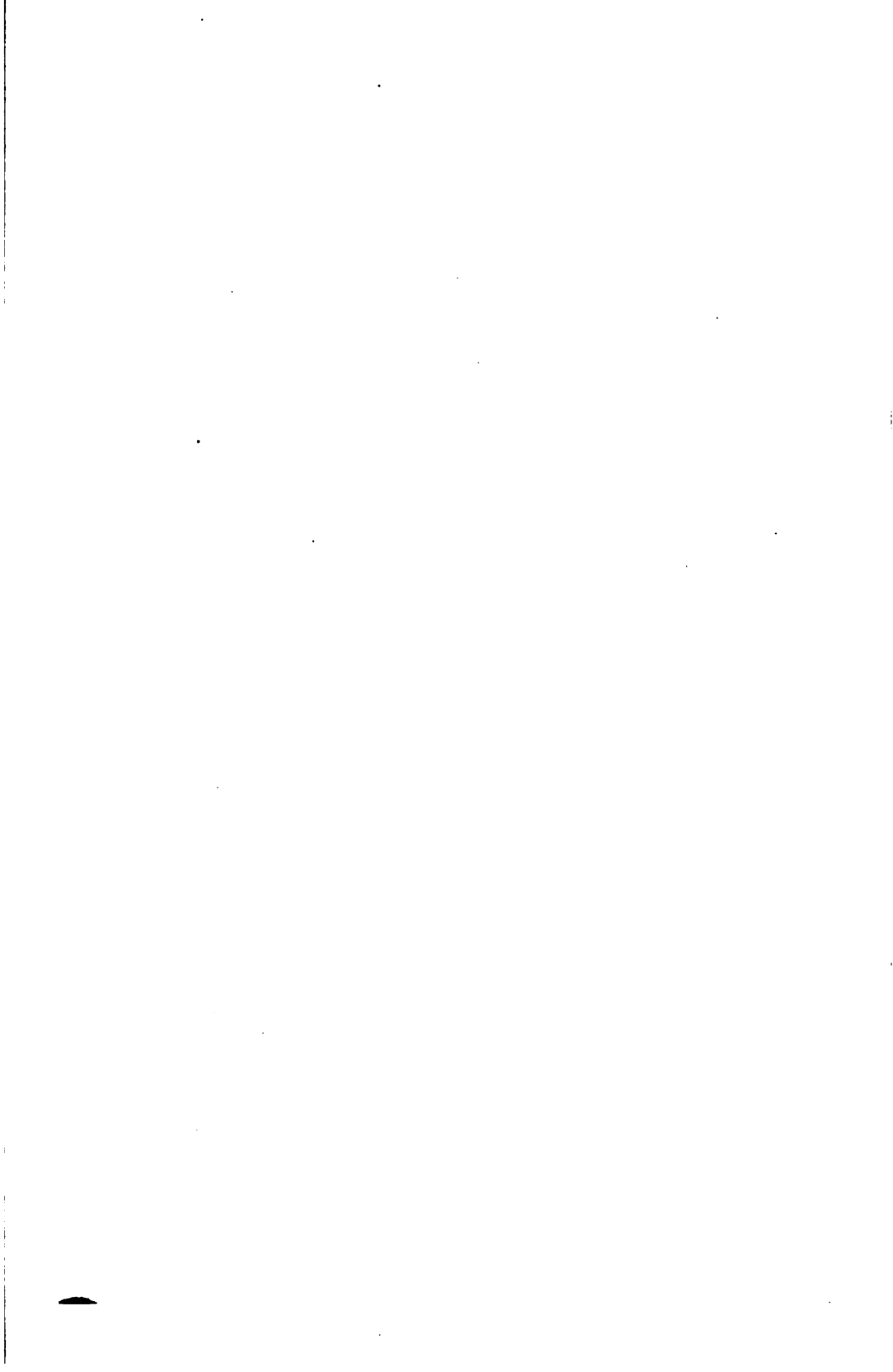
Fund.	Description of Bond.	Issued.	Life.	Interest Payments.	Rate— Pr. Ct.	Amount.	Total.
State School Fund.	25 bonds, 58 to 82, inclusive, \$1,000 each	Nov. 1, 1889	10 years	Jan. and July	4	\$25,000 00	
	3 bonds, 83 to 85, inclusive, \$1,000 each	Aug. 15, 1891	10 years	Jan. and July	4	3,000 00	\$28,000

INDEX.

A	PAGE.
Showing balance of coin on hand January 1, 1896, and apportionment of same.....	4
B	
Showing receipts and disbursements for the year 1896.....	4
C	
Showing apportionments into and disbursements from the several funds during the year 1896	9
D	
Showing transfers made during the year 1896	10
E	
Showing balance on hand January 1, 1896, receipts and disbursements during the year, balance on hand December 31, 1896, and apportionment of same.....	10
F	
County settlements for the year 1896	11
G	
Showing warrants outstanding January 1, 1895; warrants drawn, registered, paid, canceled and returned to Controller during 1896; also warrants outstanding December 31, 1896....	11
H	
Showing list of United States bonds and Nevada State bonds held by the different funds, and accrued interest on same.....	12
I	
Detailed statement of outstanding Nevada State bonds.....	13
J	
Statement of Nevada State bonds redeemed and canceled during 1896.....	14



INDEX TO STATUTES.



INDEX TO STATUTES.

A

ACCOUNTS—

- Administrator, to render, 147.
- Administrator, failure to render, 147, 149, 150.
- Administrator, settlement of, 148.
- Administrator, final, 150.
- Confirmed, when, 150.

ACTIONS—

- Administrator, misconduct of, 144.

ADJUTANT-GENERAL—

- For services and mileage, 79.
- Appropriation for, contingent expenses, 85.

ADMINISTRATORS—

- Powers of one or more, of several, 123.
- Powers of, 123.
- Letters of, form with will annexed, 124.
- Letters, to whom granted, 124.
- Who not entitled to be, 124.
- Preference of, 124.
- Administratrix, marriage of, revokes, 124.
- Application for letters, proceedings, 124, 125.
- Letters, form of, 126.
- Oath of, 126.
- Bonds of, 126.
- Bonds, failure to give, 127.
- Bonds doubtful, proceedings, 128.
- Appointment of special, 129, 156.
- Incompetency of any one of several, 130.
- Letters of, revoked on production of will, 130.
- Resignation of, 130.
- Inventory, shall make, 131.
- Inventory, neglect or refusal to make, 132.
- Possession, right of to estate, 132.
- Personal property, disposition of, 132.
- Embezzler, liable to, 133.
- Allowance, for support of family, priority of, 134.
- Allowance, for funeral expenses, preferred claim, 134.
- Inventory not exceeding \$500, 134.
- Notice to be given, 135.
- Claims of, 135, 137.
- Endorsement of claims, 136.
- Rejection of claims, 136.
- Claims barred, 136.
- Allowance in part, 136.
- Claims, judgment before death, 137.
- Claims, judgment rendered against, 137.
- Claims, failure to give notice, 137.

ADMINISTRATORS—Continued.

- Claims, statement of, 137.
- Sale of perishable property, 138.
- May petition sale of real estate, 138-141.
- Conveyances, 141.
- Order of sale, not required, when, 142.
- Sale of mortgaged lands, 143.
- Sale, misconduct in, 144.
- Sale, account of, 144.
- Sale, not to purchase at, 144.
- Possession of all estate of decedent, 144.
- Actions, right of in, for estate, 145.
- Bonds, action on, 145.
- Action, parties to, whom to be, 145.
- Debts, compromised by, 145.
- Recovery of property fraudulently conveyed, 146.
- Liability for debts of estate, 146.
- Loss or profit by estate, 146.
- Compensation of, 147.
- Not to purchase claims of estate, 147.
- Commission, 147.
- Account to be rendered, 147.
- Failure to render account, 147, 149.
- Accounts, settlement of, 148.
- Duties in relation to expenses and debts, 149.
- Final account of, 150.
- Neglect to render final account, 150.
- Vouchers of, 148.
- Personally liable after decree, 150.
- Partition and distribution of estate, 151-155.
- Waste, embezzlement or neglect, of estate, 156.
- Acts valid before removal, 158.

ADVERTISING. *See Official Advertising.***AFFIDAVITS—**

- Claims against estates of deceased persons, 135.

AGRICULTURAL SOCIETY, STATE—

- Appropriation to pay deficiencies of, 85.
- Act to reimburse for loss sustained by fire, 92.

AGENT—

- For absent parties in petition, 155.
- Bond of, 155.
- Liability of, 155.
- Unclaimed estates in hands of, 155.

APPROPRIATIONS—

- For Legislative Fund, 11.
- For copying Senate Journal, 13.
- For copying Assembly Journal, 20.
- To pay deficiencies for 1895 and 1896, 21.
- For relief of H. C. Cutting, 21.
- For constructing and equipping a mechanical building and gymnasium at the State University, 32, 117.
- To pay deficiencies of State University, 33, 118.
- State printing, repairs and material, 47.
- For purchase of portrait of ex-Governor Jones, 50.
- For claims of the Nevada National Guard for the years 1895 and 1896, 79.

APPROPRIATIONS—Continued.

For support of State government for the years 1897 and 1898, (General Appropriation Bill), 82.

For relief of A. T. Kramer, 87.

For lighting State institutions, 87.

For State Agricultural Society, loss by fire, 92.

For relief of Virginia and Truckee Railroad, 96.

To refund certain erroneous interest payments on land, 97.

For payment of certain claims for advertising State selections within six miles of a mineral claim, 99.

For relief of R. Foote, 109.

For relief of J. D. Ernst, 109.

For relief of Mahoney Bros., 109.

For relief of Douglas county, 110.

For relief of Battery "A" Band, 112.

For publishing Supreme Court reports and State advertising, 165.

ARMORY—

For National Guard, 63.

Appropriation for rent, 85.

APPEALS—

Probate proceedings, appeals in, 158, 162.

ASSESSOR. See County Assessor.**ATTORNEY—**

For minors in probate proceedings, 121, 158.

ATTORNEY-GENERAL—

Duties in relation to insurance companies, 38, 41.

Duties in relation to surety companies, 62.

Appropriation for salary, 82.

Escheats, duties relative to, 162, 163, 164.

AUDITORS. See County Auditors.**AUSTIN, NEVADA—**

Prohibiting grazing of sheep, 22.

Electric plant, in relation to, 30.

APPRAISERS—

To be appointed and compensation allowed, 131.

Shall take oath, 131.

B**BALLOTS—**

Voting shall be by, 101.

To contain, 101.

Number of, 102.

For town and city election, to contain, 113.

Form of, 113.

BATTERY "A" BAND—

Relief of, 112.

BOARDS AND COMMISSIONS, STATE—

Duties in relation to fire insurance, 46.

BOARD OF EDUCATION, STATE—

Shall grant life diplomas, 29, 61.

Duties in relation to State School bonds, 33, 34.

BOARD OF ELECTIONS. See Elections, Board of.**BOARD OF EXAMINERS, STATE—**

Duties in relation to claims for printing for State Land Office, 36.

BOARD OF EXAMINERS, STATE—Continued.

Duties in relation to the purchase of portrait of ex-Governor Jones, 50.

Prohibited from allowing deficiency claims, 80.

Experiment Station Farm, lease and option to purchase, to be approved by, 164.

BOARD OF REGENTS. See Regents of State University.**BONDS—**

Ormsby county, 13, 15, 16.

State School bonds in aid of State University, to issue, 33, 117.

State School bonds for State University deficiency, to issue, 34, 118.

Reno, City Council may issue, 59.

Elko county, High School, 69-71.

Lyon county, to issue, 74.

Nye county, to exchange, 88.

Yerington school bonds, to issue, 93.

BONDS, OFFICIAL. See Official Bonds.**BOUNDARIES—**

Of Reno, 51.

C**CANDY—**

Act to prevent adulteration, 23.

CENSUS MARSHAL—

Act relating to duties, 115.

CERTIFICATES—

Of proof, 122.

CHILDREN—

May retain for support, 134.

Property to go to children, when, 135.

Inheritance, order of, 158.

Inheritance of illegitimate, 159.

CHURCHILL COUNTY—

Notaries Public in, 45.

Act regulating compensation of county officers, 78.

For District Judge's salary, 81.

CITY ASSESSOR—

Reno, duties of, 52.

CITY ATTORNEY—

Reno, duties of, 52.

CITY CLERK—

Reno, duties of, 52, 57.

CITY COUNCIL—

Reno, number and names of, 51.

How elected, 52.

Powers of, 53-61.

Levy of taxes, 53, 55.

CITY MARSHAL—

Reno, duties of, 52, 58.

CITY TREASURER—

Reno, duties of, 52.

CIVIL PRACTICE—

Debtors earnings exempt from execution, 23.

Who shall testify and who competent witnesses, 44.

Place of trial, 88.

Place of trial, when changed, 88.

Damages may be collected, 111.

Relating to the service of notices or other papers, 111, 112.

CLAIMS—

- Act to provide for payment of certain claims for advertising, 99.
- Publication of notice, 135.
- Barred, when, 135-136.
- Sworn to, 135.
- Of Judge or executor, 135.
- Endorsement of, 136.
- Allowed to be filed, 136.
- Rejected, suit on, 136.
- Allowance in part, 136.
- Effect of judgment, 137.
- Judgment rendered before death, 137.
- Of executor or administrator, 137.
- Statement of, 137.
- Sale of property to pay, 138.
- Of creditors, 161.

COMMISSIONERS, STATE PRINTING—

- Duties relating to publication of Supreme Court decisions and State advertising, 165.

COMMUNITY PROPERTY—

- Of husband and wife, 24.

CONDEMNATION—

- Property, for public use, 26.

CONSTITUTION—

- Index to Nevada State, 236
- Index to United States, 193.
- State of Nevada, 201.
- United States, 177.

CONTRACTS—

- Conveyance of land on estates of deceased persons, 146.

CONVEYANCES—

- By administrator, 141, 146.

CONTROLLER, STATE—

- Shall draw warrants on Legislative Fund, 11.
- Shall draw certain warrants for deficiencies, 21.
- Shall draw warrant in favor of H. C. Cutting, 21.
- Duties in relation to State School bonds, 33, 34, 117, 118.
- Duties in relation to transferring amounts, 36.
- Duties relating to insurance company, 37-42.
- Shall draw warrant for portrait of ex-Governor Jones, 50.
- Duty in relation to National Guard, 63.
- Shall draw warrant for relief of Nevada National Guard, 79.
- Prohibited from drawing warrants for deficiency claims, 79.
- Appropriations for, 82.
- Shall draw warrant in favor of A. T. Kramer, 87.
- Shall draw warrant in favor of State Agricultural Society, 92.
- Shall draw warrant in favor of Virginia and Truckee Railroad, 96.
- Shall draw warrants in favor of James A. Hardin, Benjamin Darmert, Reinhold Sadler, Vincenzo Lani, 97.
- Shall draw warrant for payment of certain claims for advertising State selections within six miles of a mineral claim, 99.
- Shall draw warrant in favor of R. Foote, 109.
- Shall draw warrant in favor of J. D. Ernst, 109.
- Shall draw warrant in favor of Mahoney Bros., 110.
- Shall draw warrant in favor of Douglas county, 110.

CONTROLLER, STATE—Continued.

- Shall draw warrant in favor of Battery "A" Band 112.
- Escheats, duties in relation to, 162, 163.

CONSTABLE—

- Reno, shall act, 52.
- Virginia, compensation of, 86.
- Carson, Act fixing salary of, 115.

COUNTY APPORTIONMENT—

- For Fourth Judicial District, 96.
- For District Judges' salary, 81.

COUNTY ASSESSORS—

- Eureka county, regarding deputy, 46.
- Eureka county, salary of, 47.
- Washoe county, shall act as, 52.
- Churchill county, duties and compensation, 78.
- Duties in relation to taxes, 95.

COUNTY AUDITOR—

- Shall prepare glove contest license, 12.
- Poll tax receipts delivered to Registry Agents, 17.
- Shall draw warrants for claims, 35.
- Eureka county, in relation to claims, 46, 47.
- Lincoln county, duties in relation to certificates of indebtedness, 47-49.
- Duties in relation to National Guard, 63.
- Nye county, duty in relation to bonds, 89.
- Ormsby county, shall draw warrant for Constable's salary, 115.

COUNTY CLERK—

- Ormsby county, fees for naturalization papers, 19.
- Lincoln county, salary of, 37.
- Washoe county, shall act as, 52.
- Lyon county, duties and compensation, 73.
- Lyon county, duties in relation to bonds, 74.
- Churchill county, duties and compensation, 78.
- Storey county, duties and compensation, 85.
- Lincoln county, duties in relation to question to be submitted at election in 1898, 112.
- Duties in relation to ballots, 113.
- Shall enter all proceedings in matters of estates, 157.

COUNTY COMMISSIONERS—

- Ormsby county, in relation to bonds, 13, 15.
- Duties in relation to Road Inspectors, 25.
- Duties in relation to public libraries, 30.
- To levy tax for county purposes, 35.
- Lincoln county, salary of, 37.
- Eureka county, in relation to claims, 46, 47.
- Lincoln county, duties in relation to certificates of indebtedness, 48.
- Duties in relation to National Guard, 63.
- Duties and powers in relation to the destruction of wild horses, 68.
- Elko county, duties in relation to County High School, 70-71.
- Lyon county, in relation to bonds, 74, 75.
- Duties in relation to District Judge's salary, 81.
- Storey county, duties and salaries, 85.
- Nye county, duties in relation to bonds, 88, 89.
- Act to create a board of, and define their powers and duties, 90.
- In relation to official advertising, 93.
- Lyon county, shall levy tax to pay Yerington School District No. 9 bonds, 94.

COUNTY COMMISSIONERS—*Continued.*

Washoe county, duties and compensation, 99.

Ormsby county, duties in relation to Constable's salary, 115.

CRIMINAL PROCEDURE—

Relating to bail, 22.

COUNTY RECORDER—

Lyon county, duties and compensation, 73.

Fees for recording duplicate notices of location, 77.

Churchill county, duties and compensation, 78.

Storey county, duties and compensation, 85.

Homestead, decree setting aside, 158.

COUNTY TREASURER—

Ormsby county, duties in relation to bonds, 14-17.

To apportion tax moneys, 35.

Eureka county, in relation to claims, 46, 47.

Lincoln county, duties in relation to certificates of indebtedness, 48, 49.

Washoe county, shall act as, 52.

Duty in relation to National Guard, 63.

Elko county, duty in relation to County High School, 70.

Lyon county, in relation to bonds, 76.

Churchill county, duties and compensation, 78.

Nye county, in relation to bonds, 89, 90.

Lyon county, duty in relation to Yerington School District No. 9 bonds, 93, 94.

Duties in relation to taxes, 95.

CRIMES AND PUNISHMENTS—

For violation of glove contest law, 12.

For violation of the payment of poll tax by all legal voters, 18.

Violation of game law, 20.

Grazing sheep near Austin, Nevada, 22.

For adulterating candy, 23.

Injury to telephone lines, 28.

Violation of sale of cigarettes, 29.

For injury to electric plant at Austin, Nevada, 31.

Failure to procure peddler's license, 32.

For violation of insurance law, 41.

For injury to State military property, 64.

For violation of fish law, 68.

For violation of an Act authorizing the destruction of wild, unbranded horses, 69.

CURATOR OF STATE MUSEUM—

Salary of, 45.

D

DAMAGES—

For injury to telephone lines, 28.

For allowing minors in saloons and gaming houses, 111.

For neglect, estates of deceased persons, 120.

DARMERT, BENJAMIN—

Refund of erroneous interest payment on contract for land, 97.

DECISIONS OF SUPREME COURT—

Act relating to publication of, 165.

How and when printed, 165.

DEFICIENCIES—

For the years 1895 and 1896, 21.

State University, 33.

DEFICIENCIES—Continued.

Act to restrict the creation of, 80.

State Agricultural Society, 85.

Appropriation for payment of certain claims for advertising State selections within six miles of a mineral claim, 99.

DEBTS AGAINST ESTATES—

Debts, order of payment of, 149.

Preference to mortgages, 149.

Dividends, 149.

Funeral expenses, 149.

Claims disputed, or not due, 149.

Executor liable after decree, 150.

Payments of legacies, 150.

Final account, 150.

Proceedings on neglect to render account, 150.

DESCENTS AND DISTRIBUTIONS—

Order of, in estates of deceased persons, 158, 159.

Illegitimate children, 159.

Degrees of kindred, 159, 160.

Advancement made to heirs, 160.

Husband and wife, 160.

Representation, by right of, 161.

DESERT LANDS—

Act relating to, 64.

DIPLOMAS. See State Board of Education.**DISTRICT ATTORNEY—**

Duties in relation to insurance companies, 41.

Eureka county, salary of, 47.

Washoe county, shall act as, 52.

Duties in relation to surety companies, 63.

Lyon county, salary of, 74.

Churchill county, duties and compensation, 78.

Storey county, duties and compensation, 85.

Washoe county, duties and compensation, 99.

Duties in relation to obstructions to the free passage of fish, 116.

DISTRICT COURT—

Duties in relation to Inspector of Hides, 72.

To have exclusive jurisdiction over estates of deceased persons, 119.

Wills, to be produced in, 119.

Wills, proceedings for proving, 120-123.

Shall issue letters, when, 122.

Escheated estates, 162, 163.

Relating to claims, 161.

DISTRICT JUDGE—

Act to provide for election of, and fix their salaries, 80.

Appropriation for traveling expenses, 84.

Act relating to salary in the Fourth Judicial District, 96.

Powers to enforce production of will, 121.

Wills, proceedings for proving, 120-123.

Bond of executor or administrator, 126-128.

Shall appoint special administrator, when, 130.

Incompetent, when, 130.

Of another district may act, when, 131.

Family, provisions made for support of, 134.

Claims, against estates, 135-144.

DISTRICT JUDGE—Continued.

- Management and control of estates, 144, 145.
- Conveyance of real estate, by executor or administrator, 146-150.
- Partition and distribution of estates, 150-156.
- Relating to claims, 161.

DOUGLAS COUNTY.

- Records left unsigned by Hon. Richard Rising, 18.
- Notaries Public in, 45.
- Jurisdiction ceded, 49.
- For District Judge's salary, 81.
- Act for relief of, 110.
- Question to be submitted at election in 1898, 110.

E**EASTON, WILLIAM—**

- Granted leave of absence, 81.

ELECTIONS—

- School Trustees, of, 19.
- District Judges, of, 80.
- Appropriation for State election expenses, 84.
- Act relating to purity of, 97.
- Money can be expended for, 97, 98.
- Amount of lawful expenditures, 98.
- Candidate may expend in his own behalf, 98.
- Act to provide for election of School Trustees, 100.
- Of School Trustees, when held, 100.
- Act concerning election of town and city officers, 113.

ELECTION, BOARDS OF—

- Duties in relation to election of School Trustees, 100-103.

ELECTION, JUDGES OF—

- Oaths, to administer, 124.

ELKO COUNTY—

- Road Inspector, compensation of, 26.
- Notaries Public in, 45.
- Act relating to High Schools, 69.
- For District Judge's salary, 81.
- Act relating to apportionment of District Judge's salary, 96.

ELECTRIC PLANT—

- At Austin, Nevada, 30.

EMBEZZLEMENT—

- Of estates of deceased persons, 133.

EMINENT DOMAIN—

- Condemnation for public use, 26.

ERNST, J. D.—

- Relief of, 109.

ESCHEATS—

- Estates of deceased persons, 162.
- Attorney-General, duties relative to, 162-164.
- Controller, duties relative to, 162, 163.
- Receivers may be appointed to manage, 163.
- Commission for information, relative to, 164.
- Distribution of money from, 164.

ESTATES OF DECEASED PERSONS—

- General Act, relative to, 119-165.
- District Court to have jurisdiction, 119.
- Proof of wills, 119-122.
- Letters testamentary, and bonds of, 122-130.
- Inventory and collection of effects, 131-133.
- Provisions for support of family, 134.
- Claims against estate, 135-144.
- Executor and administrator, duties of, 144-150.
- Partition and distribution of, 151-156.

ESMERALDA COUNTY—

- Records left unsigned by Hon. Richard Rising, 18.
- Notaries Public in, 45.
- For District Judge's salary, 81.

EUREKA COUNTY—

- Notaries Public in, 45.
- Relating to Deputy Assessor, 46.
- Salaries of officers, 47.
- For District Judge's salary, 81.

EXECUTORS—

- Shall file will, 120.
- Renunciation of trust, 120.
- Petition for letters, 120.
- Liability for neglect, 120.
- Petition for production of will, 120.
- Competency of, 123.
- Objections to, 123.
- Executrix, marriage of, 123.
- Executor of an executor, 123.
- Minor as, 123.
- Power of one or more of several, 123.
- Letters to, form of, 124.
- Oath and bonds of, 126.
- Bonds, failure to give, 127.
- Bonds, when dispensed with, 127.
- Bonds doubtful, proceedings on, 128.
- Appointment of special, 129.
- Incompetency of any one of several, 130.
- Resignation of, 130.
- Inventory, shall make, 131.
- Inventory, neglect or refusal to make, 132.
- Possession, right of, to estate, 132.
- Personal property, disposition of, 132.
- Embezzler, liable to, 133.
- Allowance for support of family, priority of, 134.
- Allowance for funeral expenses, preferred claim, 134.
- Inventory, not exceeding \$500, 134.
- Notice to be given, 135.
- Claims of, 135, 137.
- Endorsement of claims, 136.
- Rejection of claims, 136.
- Claims barred, 136.
- Allowance in part, 136.
- Claims, judgment before death, 137.
- Claims, judgment rendered against, 137.
- Claims, failure to give notice, 137.

EXECUTORS—Continued.

- Sale of perishable property, 138.
- Claims, statement of, 137.
- May petition sale of real estate, 138-141.
- Conveyances, 141.
- Order of sale not required, when, 142.
- Sale of mortgaged lands, 143.
- Sale, misconduct in, 144.
- Sale, account of, 144.
- Sale, not to purchase at, 144.
- Possession of all estate of decedent, 144.
- Actions, right of in, for estate, 145.
- Bond, action on, 145.
- Parties to action, whom to be, 145.
- Debts compromised by, 145.
- Recovery of property fraudulently conveyed, 146.
- Liability for debts of estate, 146.
- Loss or profit, by estate, 146.
- Compensation of, 147.
- Not to purchase claims of estate, 147.
- Commission, 147.
- Account to be rendered, 147.
- Failure to render account, 147, 149.
- Accounts, settlement of, 148.
- Duties in relation to expenses and debts, 149.
- Final account of, 150.
- Neglect to render final account, 150.
- Vouchers of, 148.
- Personally liable after decree, 150.
- Partition and distribution of estate, 151-155.
- Waste, embezzlement or neglect of estate, 156.
- Acts valid before removal, 158.

EXECUTIONS—

- Debtors earning not exceeding \$50 per month exempt, 23.
- Against estates of deceased persons, when not to issue, 137.

EXPERIMENT STATION FARM—

- Act to provide for, 164.

EXAMINERS, STATE BOARD OF. *See Board of Examiners, State.***EVIDENCE—**

- Will, a copy of the record of, 122.
- Entry in minutes of Court, 125.
- Letters testamentary, certified copy of, 130.

F**FAMILY OF DECEASED PERSONS—**

- Homestead and furniture, may retain, 134.
- Personal property, set apart, 134.
- Allowance made for support of, 134.
- Distribution of property, 134.

FEES—

- Ormsby county, Clerk of, 19.
- United States Land Office, to be paid by applicant, 67.
- For selection and advertising land, 71-72.
- County Recorders, for recording duplicate notices of location, 77.

FELONY—

Violation of insurance laws, 40.

FISH—

Close season of, 87.

How taken, 67.

Liability of carriers, 68.

FISH COMMISSIONER—

Appropriation for expenses of, 84.

Act to abolish office, 116.

In relation to duties, 116.

FOOTE, R—

Relief of, 109.

FRANCHISES—

For electric plant at Austin, Nevada, 30.

Period granted for, 31.

FUNDS—

Insurance Fund created in State Treasury, 46.

FUNERAL EXPENSES—

Preferred debt, against estates, 149.

G**GAME, WILD—**

Act for preservation of, 20.

GAMING HOUSES—

Minors not allowed in, 111.

Liability of keepers, 111.

GLOVE CONTESTS—

Act to restrict and license, 11.

GOVERNOR—

To appoint Notaries Public, 44.

Appropriation for salary, 82.

Appropriation for payment of rewards, 82.

GOVERNOR, LIEUTENANT. See Lieutenant-Governor.**GUARDIAN—**

Appointed for minors in probate matters, 148.

H**HARDIN, JAMES A.—**

Refund of erroneous interest payment on contract for land, 97.

HIDE INSPECTOR. See Inspector of Hides.**HIGH SCHOOLS—**

Act relating to Elko county, 69, 70.

HORSES, WILD—

Act authorizing the destruction of, 68.

HOSPITAL FOR MENTAL DISEASES—

Appropriations for, 23.

HUMBOLDT COUNTY—

Notaries Public in, 45.

For District Judge's salary, 81.

Judicial District created, 80.

HUSBAND AND WIFE—

Community property, 24.

Inheritance, order of, 158.

I

INCORPORATION—

Of Reno, 50.

See Reno.

INSANE ASYLUM. *See Hospital for Mental Diseases.*

INSURANCE COMPANY—

Act relating to, 37.

INSPECTOR OF HIDES—

Act to provide for appointment of and defining their duties and compensation, 72.

INTEREST PAYMENTS—

Act to refund certain erroneous interest payments on contracts for land, 97.

INVENTORY—

Shall be made, when, 131.

To contain, 131.

Supplemental inventory, 132.

To be signed by, 132.

Property, set apart, on return of, 134.

When estate does not exceed \$500, 134.

J

JONES, EX-GOVERNOR—

Appropriation for portrait, 50.

JUDGES OF ELECTIONS. *See Elections, Judges of.*

JUDICIAL DISTRICTS—

Act creating, 80.

JUDGMENT—

Execution shall not issue upon estates of deceased persons, 137.

Administrator, against liability, 137.

Order paid in, against estates, 149.

JURISDICTION—

Over Indian School, ceded to United States, 49.

Retained for certain purposes, 50.

District Court to have over estates of deceased persons, 119.

JUSTICE OF THE PEACE—

Reno, shall act as, 52.

Virginia, salary of, 86.

L

LANDS—

Mineral, reserved, 36.

Act relating to selection and sale of, 71.

Act to refund certain erroneous interest payments on contracts for land, 97.

LANDS, DESERT—

Settlement or colonization of, 66.

State to act as agent for, 66.

List to be filed with State Land Register, 66.

Settler to furnish proof, 67.

LAND REGISTER. *See State Land Register.*

LANDER COUNTY—

Sheriff granted leave of absence, 31.

Notaries Public in, 44.

For District Judge's salary, 81.

LANI, VINCENZO—

Refund of erroneous interest payment on contract for land, 97.

LEGACIES—

Payment of, 142, 150.

LEGISLATURE—

Lists of members and attaches, 2, 3.

Fund, appropriated for, 11.

LETTERS TESTAMENTARY AND OF ADMINISTRATION—

In what county granted, 119.

Testamentary, petition for, 120.

Will on probate, to be issued, 122.

Objections, to the issuance of, 123.

Women, marriage of, extinguishes authority, 123.

Minors, issuance to, when, 123.

Clerk to sign, 123.

Testamentary, form of, 124.

Administration, with will annexed, 124.

Administration, who entitled to, 124.

Administratrix, marriage of, 124.

Proceedings, on application, 125.

Administration, form of, 126.

Administration, revoked, 130.

Subsequent, may issue after final discharge of administrator, 156.

LIBRARIES. See Public Libraries.**LICENSES—**

For glove contest, 12.

Penalty for not procuring, 12.

Money, how apportioned, 12.

For sale of cigarettes, 29.

For peddlers, 31.

Relating to Reno, 54.

In relation to grazing, 114.

LIEUTENANT-GOVERNOR—

Appropriation for per diem and mileage, 82.

LIMITATIONS OF ACTIONS—

Claims, against estates of deceased persons, 135, 136.

LINCOLN COUNTY—

Salaries of officers, 37.

Notaries Public in, 45.

Act to make provision for the payment of indebtedness, 47.

For District Judge's salary, 81.

Relating to apportionment for District Judge's salary, 96.

Question to be submitted at election in 1898, 112.

LYON COUNTY—

Records left unsigned by Hon. Richard Rising, 18.

Notaries Public in, 45.

Act relating to consolidation and compensation of officers, 73.

To issue bonds, 74.

For District Judge's salary, 81.

Yerington School District No. 9 bonds, 93.

Question to be submitted at election in 1898, 110.

M

MACK, C. E.—

Duties in relation to records left unsigned by Hon. Richard Rising, 18.

MAHONEY BROS.—

Relief of, 109.

MILEAGE—

Lincoln county, Commissioners, 37.

MILL SITES—

Act relating to, 103.

Relating to location of, 107.

MILLER, MRS. J. E.—

Appropriation for copying Assembly Journal, 20.

MILITIA, STATE. See National Guard.**MINES AND MINING—**

Mineral lands reserved, 36.

Act to provide for the preservation of records, 77.

Act relating to the location, relocation, manner of recording lode and placer claims, mill sites, tunnel rights, and amount of work necessary to hold possession of, 103.

MISDEMEANORS—

Violation of glove contest law, 12.

For violating the payment of poll-taxes by all legal voters, 18.

Violation of game law, 20.

For grazing sheep near Austin, Nevada, 22.

Violating sale of cigarettes, 29.

To injure electric plant at Austin, Nevada, 31.

Failure to procure peddler's license, 32.

Injury to State military property, 64.

Violation of fish law, 68.

Violation of an Act authorizing the destruction of wild, unbranded horses, 69.

MINORS—

Not allowed in saloons or gaming houses, 111.

When unrepresented, 121.

When named executor, 123.

Allowance for support, 134.

Attorney may be appointed for, 139.

Guardian appointed for settlement of estates, 148.

Guardian appointed for partition of land, 154.

Attorney appointed for probate proceedings, 158.

MORTGAGE—

Administrator, lands sold, subject to, 143.

Order of payment, 149.

N

NATIONAL GUARD—

Act relating to, 63.

Relief of, 79.

Appropriation for contingent expenses, 85.

For armory rent, 85.

NEVADA REPORTS—

Appropriation for printing and binding, 83.

Appropriation for indexing and preparation of, 85.

NOTARIES PUBLIC—

Appointment of, 44, 45.

Terms of office, 45.

NOTICE—

- Of appointment to be published, 135.
- Administrator's sale, of, 138, 140, 142.
- Settlement of accounts, 148.
- Personal notice given, how, 157.

NYE COUNTY—

- Notaries Public in, 45.
- For District Judge's salary, 81.
- Act to authorize exchange of bonds, 88.

O

OATH—

- Of administrator or executor to be recorded, 126.
- Administrator and executor must take, 126.
- Appraisers to take, 131.

OFFICIAL ADVERTISING—

- Act fixing rates for, 92.
- Act to provide for payment of certain claims for advertising, 99.
- Act relating to, 165.

OFFICIAL BONDS—

- Reno, of officers, 56.
- Administrator or executor to give, 126.
- Additional, required, when, 126.
- When sued on, 126.
- Not required, when, 127.
- Administrator, indemnity to, 143.
- Administrator, liable on, 150.
- Agent in partition, 155.
- Release of sureties on, 128.
- Also, see Sureties on Bonds.*

ORMSBY COUNTY—

- Issuance of bonds, 13, 15.
- Records left unsigned by Hon. Richard Rising, 18.
- Fees for naturalization papers, 19.
- Notaries Public in, 45.
- Jurisdiction ceded, 49.
- For District Judge's salary, 81.
- Question to be submitted at election in 1898, 110.

ORPHANS' HOME, STATE—

- Appropriations for, 83, 84.

OSGOOD, MRS. IDA—

- Appropriation for copying the Senate Journal, 13.

P

PARTNERSHIP—

- Estates of deceased persons, surviving partner, rights and duties, 145.

PENALTIES—

- For violation of glove contest law, 12.
- For violating the payment of poll-taxes by all legal voters, 18.
- For violation of game law, 20.
- For grazing sheep near Austin, Nevada, 22.
- For adulterating candy, 23.
- For injury to telephone lines, 28.
- For violating sale of cigarettes, 29.
- For injury to electric plant at Austin, Nevada, 31.

PENALTIES—Continued.

- For failure to procure peddler's license, 32.
- For violation of insurance law, 41.
- For violation of Reno city ordinances, 54.
- For injury to State military property, 64.
- For violation of fish law, 68.
- For violating an Act authorizing the destruction of wild, unbranded horses, 69.
- Churchill county officers, willful neglect or refusal, 78.
- For violation of an Act relating to duties of Census Marshal, 115.
- Refusal or neglect to produce will, 120.
- For refusing to answer citation, 133.
- For administrators, neglect of, 144, 150.

PETITION—

- For probate of will, 120.
- To produce will, 120.
- To be signed and filed, 120.
- For letters, 124.
- Administrator, sale of real estate, 137, 138.
- For partition, 150, 152.

PLACER CLAIMS—

- Act relating to, 103.
- Relating to location of, 107.

POLICE JUDGE—

- Reno, duties of, 52.

POLL-TAXES—

- In relation to registering, 17.

PROBATE—

- General Act, relative to, 119-165.

PROPERTY—

- Community, 24.
- Condemned for public use, 26.
- Not subject to administration, 134.
- Shall go to children, when, 135.
- Estates of deceased, sale of, 137-144.

PUBLICATION—

- Administrator's sale, 138, 140, 142.
- Escheats, notice relative to, 162.

PUBLIC LIBRARIES—

- Act relating to, 30.

R**RECORDS—**

- Left unsigned by Hon. Richard Rising, 18.
- Act to restore lost, 91.

RECORDERS. See County Recorders.**REGISTRY AGENTS—**

- Duties in relation to poll-tax receipts, 17.
- Relating to duties, 113.

REGENTS STATE UNIVERSITY—

- Authorized to construct and equip mechanical building and gymnasium, 32, 116.
- To pay deficiencies, 34, 118.
- To lease or purchase land for an experiment station farm, 164.

RELIEF OF—

Battery "A" Band, 112.
 Beatty, R. M., 21.
 Bullion and Exchange Bank, 21.
 California Institute for Deaf, Dumb and Blind, 21.
 Cutting, H. C., 21.
 Douglas county, 110.
 Ernst, J. D., 109.
 Foote, R., 109.
 Gazette Publishing Co., 21.
 Howell, Eugene, 21.
 Kinney, William, 21.
 Kramer, A. T., 87.
 Mackey, Will U., 21.
 Mahoney Bros., 109.
 Mills, Geo. T., 21.
 Morning Appeal, 21.
 Nevada National Guard, 79.
 Nevada State Journal, 21,
 Sadler, Reinhold, 21.
 Torreyson, Ada, 21.
 Virginia Evening Chronicle, 21.
 Virginia and Truckee Railroad, 96.

RENO—

Act to incorporate, duties of, 50.
 City Assessor, duties of, 52.
 City Attorney, duties of, 52.
 City Clerk, duties of, 52, 57.
 City Marshal, duties of, 52, 58.
 City Treasurer, duties of, 52.
 City Council, number and names, 51.
 City Council, how elected, 52.
 City Council, powers of, 53, 59.
 City Council, levy of taxes, 53, 55.
 Constable, 52.
 Justice of the Peace, 52.
 Police Judge, duties of, 52.

REPEAL—

Act for appointment of janitor for the committee rooms of the Legislature, approved January 25, 1887, 19.
 Section one of an Act entitled "An Act to provide for appointment of Notaries Public, and defining their duties," approved February 9, 1864, and all Acts and parts of Acts amendatory of said section, are hereby repealed, 45.
 Sections 48 and 65 of "An Act relating to the National Guard and enrolled militia," approved March 6, 1893, and an Act amendatory and supplementary of said above entitled Act, approved March 18, 1895, 64.
 An Act amendatory of and supplementary to an Act entitled "An Act to create a Board of County Commissioners in the several counties of this State, and to define their duties and powers," approved February 14, 1881, 69.
 Act to provide for the deficiencies incurred in the building and furnishing of dormitories and for the construction of the annex for a mechanical building at the Nevada State University at Reno, Nevada, approved March 3, 1897, is hereby repealed, 118.
 Act to provide for the building, completion and equipment of a mechanical building and the completion and equipment of a gymnasium at the State University at Reno, Nevada, approved March 3, 1897, is hereby repealed, 119.

RESOLUTIONS AND MEMORIALS—

Assembly Memorial and Joint Resolution, relative to the abandonment of a portion of the Walker River Indian Reservation, 169.

Assembly Joint Resolution, relative to establishing a mail route between Belmont, Nye county, and Wilson Creek, Nye county, in the State of Nevada, 169.

Assembly Joint Resolution, relative to recognizing the belligerency and independence of Cuba, 170.

Senate Joint Resolution No. 3, relative to exempting a certain section from quarantine by Secretary of Agriculture, 170.

Senate Joint Resolution and Memorial to Congress, relative to immigration and protection, 171.

Senate Joint and Concurrent Resolution No. 8, relative to the rate of postage on fourth-class matter, including merchandise, in the United States mails, 172.

Senate Joint Resolution concerning the free and unlimited coinage of silver at the legal ratio of sixteen to one, regardless of the action of any foreign nation, 172.

Assembly Joint Resolution No. 4, relative to election of United States Senators by the people, 173.

REVENUE. *See Licenses; Taxes.*

ROAD INSPECTOR—

Office created and duties of, 25.

Elko county, compensation of, 26.

S

SADLER, REINHOLD—

Refund of erroneous interest payment on contract for land, 97.

SAGEHENS—

Protected, 20.

SALOONS—

Liabilities of keepers, 111.

Minors not allowed in, 111.

SALARIES AND COMPENSATION OF STATE AND COUNTY OFFICERS—

Lincoln county, 37.

Curator of State Museum, 45.

Eureka county, 47.

Elko county, Road Inspector, 26.

Lyon county, 73.

Churchill county, 78.

Storey county, 85.

Superintendent of Public Instruction, 86.

Washoe county, 99.

SCHOOLS, HIGH—

Elko county, Act relating to, 69-70.

SCHOOL TRUSTEES—

Relating to election of, 19.

Lyon county, Yerington School District No. 9, to issue bonds, 93.

Relating to election of, 100.

When elected, 100.

Vacancies, how filled, 100.

SECRETARY OF STATE—

Duties in relation to Senate Journal, 13.

Duties in relation to Assembly Journal, 20.

Duties in relation to surety companies, 62.

Appropriation for salary, 82, 85.

Duties in relation to question to be submitted at election in 1898, 110, 111.

SECRETARY OF STATE—Continued.

Duties in relation to question to be submitted to Lincoln county at election in 1898, 112.

SERVICE—

Of citation in settlement of estates, 157.

SHERIFF—

Shall collect licenses for glove contests, 12.

Lander county, leave of absence granted, 31.

Duties relating to peddlers' licenses, 32.

Lyon county, duties and compensation, 73.

Storey county, compensation for a jailer, 76.

Churchill county, duties and compensation, 78.

Storey county, duties and compensation, 85.

Commission for collecting grazing license, 114.

Personal notice to guardian, how given, 157.

Citation, how served, 157.

STATE BOARD OF EXAMINERS. *See Board of Examiners, State.*

STATE BOARD OF EDUCATION. *See Board of Education, State.*

STATE CONTROLLER. *See Controller, State.*

STATE INSTITUTIONS—

Act to provide for lighting, 87.

STATE LIBRARY—

Appropriation for salary of clerk, 85.

STATE LOAN—

Act authorizing, 86.

STATE LAND REGISTER—

Duties in relation to printing, 36.

Duties in relation to desert lands, 66.

See Surveyor-General.

STATE PRINTER—

Duties in relation to printing for State Land Office, 36.

Appropriation for salary, 83.

STATE PRINTING—

Appropriation for repairs and material, 47.

General appropriation for, 83.

STATE PRINTING COMMISSIONERS. *See Commissioners, State Printing.*

STATE TREASURER—

Legislative Fund, to pay warrants drawn on, 11.

Shall pay certain warrants for deficiencies of 1895 and 1896, 21.

Shall pay warrant in favor of H. C. Cutting, 21.

Relating to duties of, 24.

Duties in relation to State School bonds, 33, 34, 117, 118.

Duties in relation to transferring amounts, 36.

Shall pay warrant for portrait of ex-Governor Jones, 50.

Duties in relation to National Guard, 63.

To pay warrant for relief of Nevada National Guard, 79.

Appropriation for salary, 82.

Shall pay warrant in favor of A. T. Kramer, 87.

Shall pay warrant in favor of State Agricultural Society, 91.

Shall pay warrant in favor of Virginia and Truckee Railroad, 96.

Shall pay warrants in favor of James A. Hardin, Benjamin Darmert, Reinhold Sadler, Vincenzo Lani, 97.

Shall pay warrants for certain claims for advertising State selections within six miles of a mineral claim, 99.

STATE TREASURER—Continued.

- Shall pay warrant in favor of R. Foote, 109.
- Shall pay warrant in favor of Mahoney Bros., 110.
- Shall pay warrant in favor of J. D. Ernst, 109.
- Shall pay warrant in favor of Douglas county, 110.
- Shall pay warrant in favor of Battery "A" Band, 112.

STATE TREASURY—

- Insurance Fund created in, 46.

STATE PRISON—

- Appropriation for, 84.

STATE TAX—

- University buildings, 33.
- University deficiencies, 34.
- Levy for, apportioned, 35.

STATE UNIVERSITY—

- Act providing for the construction of a mechanical building, 32, 117.
- Act providing for the completion and equipment of a gymnasium, 32, 117.
- Appropriations for, 84.
- Shall assay for gold and silver, 91.
- Deficiencies of, 33, 118.
- Experiment Station Farm, provided for, 164.

STATE WEATHER SERVICE. *See Weather Service, State.***STAFF OFFICERS—**

- Shall consist of, 64.

STOREY COUNTY—

- Records left unsigned by Hon. Richard Rising, 18.
- Notaries Public in, 44.
- In relation to jailer, 76.
- For District Judge's salary, 81.
- Act relating to duties and salaries of county and township officers, 85.
- Question to be submitted at election in 1898, 110.

SURETIES ON BONDS—

- To justify, before whom, 127.
- In relation to doubtful sureties, 127.
- Failure to give, 127.
- Further security required, when, 127.
- Released how, and not liable when, 128.
- Also, see Official Bonds.*

SURETY COMPANIES—

- Act to authorize the formation of, 61, 62.

SUPREME COURT—

- Appropriation for salaries, 83.
- Appropriation for Bailiff, 83.

SUPREME COURT DECISIONS—

- Act relating to publication of, 165.
- How and when printed, 165.

SUPERINTENDENT OF PUBLIC INSTRUCTION—

- Appropriations for, 83.
- Act fixing the salary of, 86
- To appoint School Trustees, when, 100.
- Duties in relation to Census Marshals, 115.

SURVEYOR-GENERAL—

- Appropriations for, 82, 83.
- Also, see State Land Register.*

T

TAXES—

- Ormsby county, payment of bonds, 14, 16.
- To provide for public libraries, 30.
- State University, Interest and Sinking Fund, 33, 34, 117, 118.
- Apportionment of State, 35.
- County purposes, 35.
- Reno, city tax, 53, 55.
- Elko county, High School, 70, 71.
- Lyon county, payment of bonds, 75.
- Nye county, payment of bonds, 89.
- Act allowing the payment of taxes in equal semi-annual installments, 95.

TAX LEVY, STATE—

- University deficiency, 34, 118.
- University building, 33, 117.
- Apportionment of State, 35.

TEACHERS' INSTITUTE—

- Appropriation for, 82.

TELEPHONE LINES—

- Rights and responsibilities of owners, 28.

TUNNEL RIGHTS—

- Act relating to, 103.

U

UNIVERSITY. *See State University.*

V

VACANCIES—

- School Trustees, 100.
- In administration, not to be counted in limitation of actions, 133.

VIRGINIA AND TRUCKEE RAILROAD—

- Relief of, 96.

VOUCHERS—

- Administrator, when required, 143.

W

WARDS—

- Reno divided, 51.

WASHOE COUNTY—

- Notaries Public in, 45.
- For District Judge's salary, 81.
- Act fixing salaries and compensation, and defining duties of certain county officers, 99.

WEATHER SERVICE, STATE—

- Appropriation for salary of Director, 84.

WHITE PINE COUNTY—

- Notaries Public in, 45.
- For District Judge's salary, 81.
- Relating to apportionment of District Judge's salary, 96.

WIDOW—

- Support of, allowance for, 134.

WILD HORSES—

- Act authorizing the destruction of, 68.

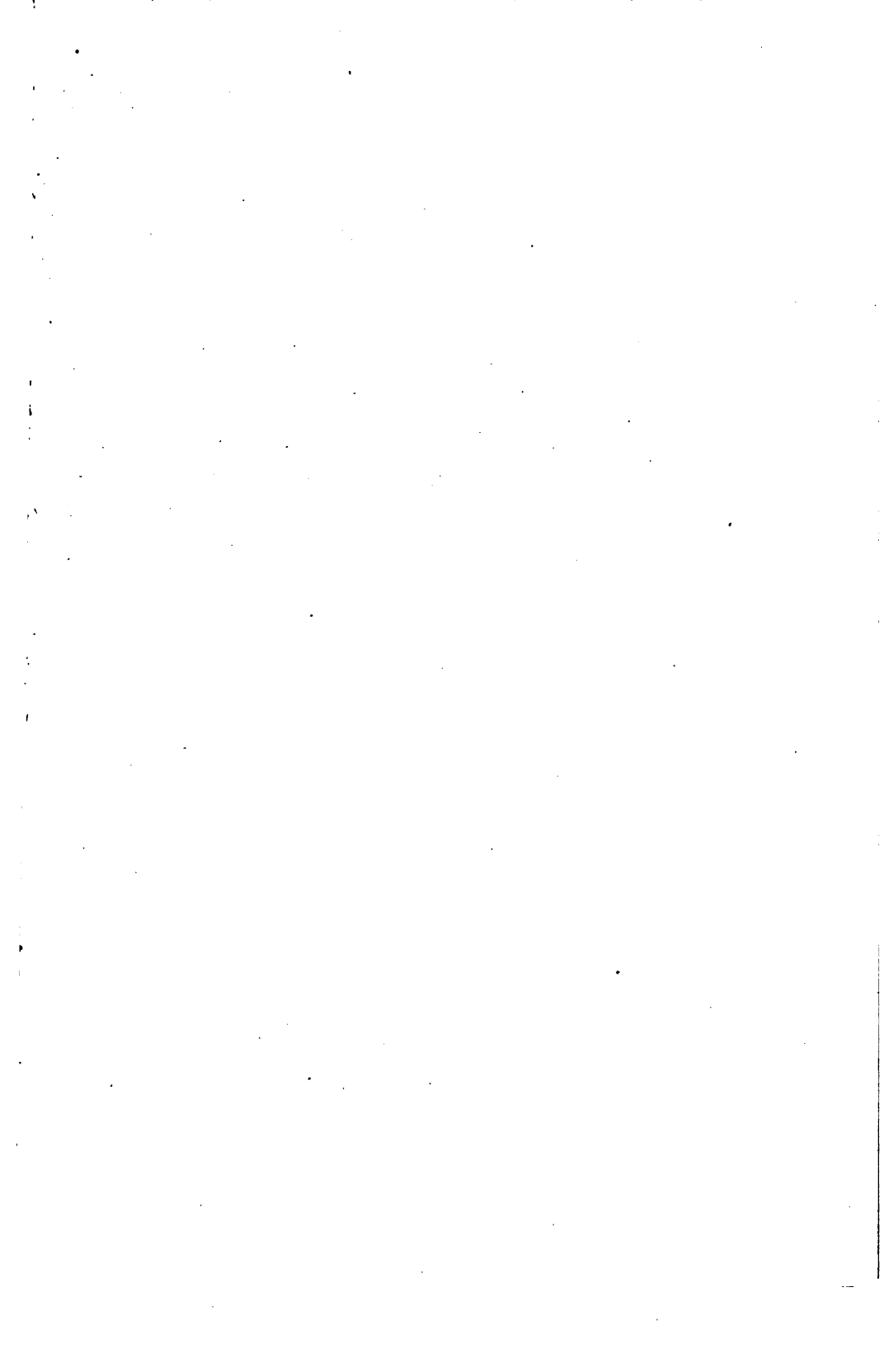
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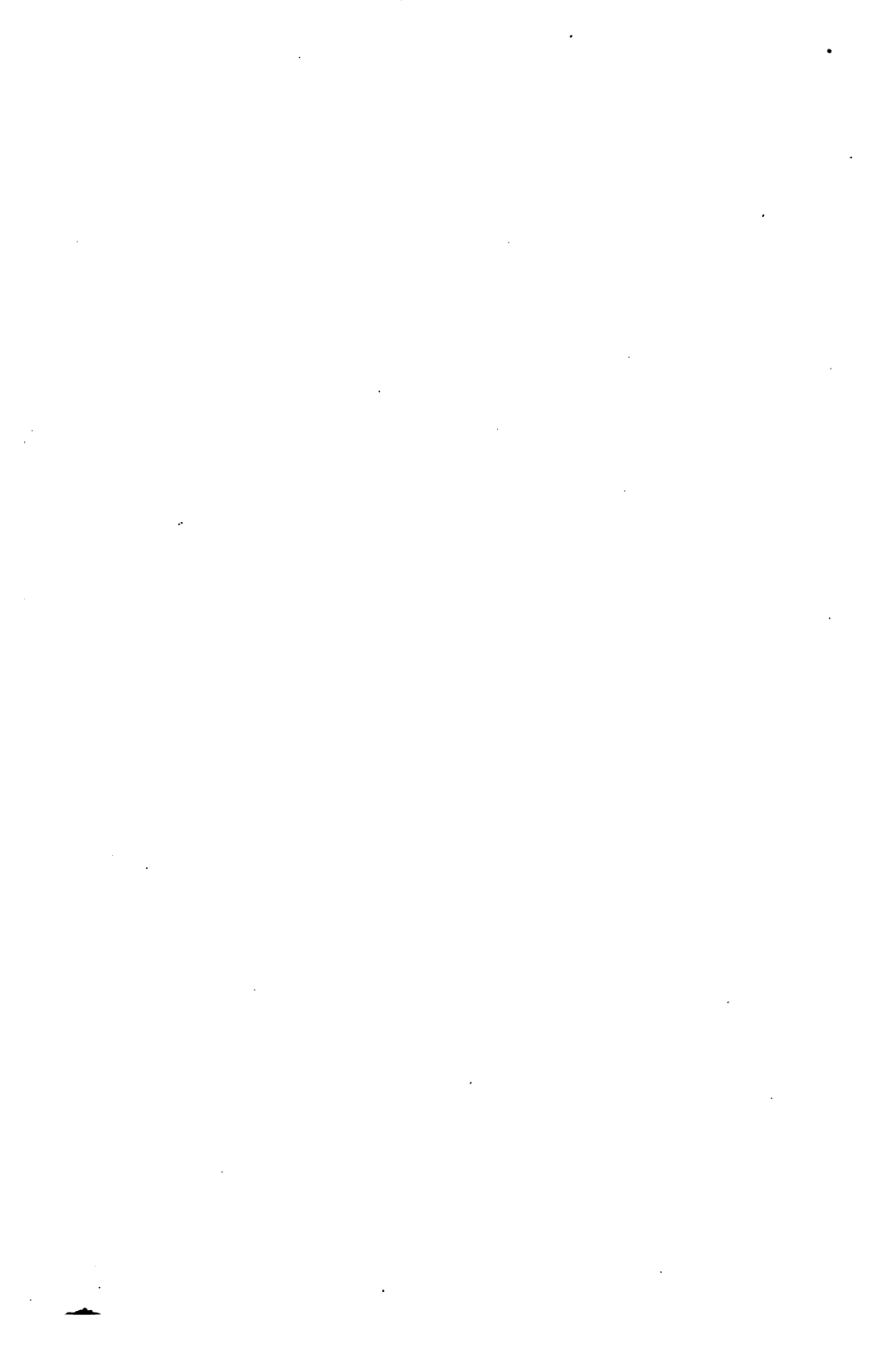
- District Court, jurisdiction in what county, 119.
- District Court, to be delivered to, 119.
- Petition to produce, 120.
- Failure to produce, 120.
- Citation to interested parties, 121.
- Proofs, hearing of, 121.
- Contest, proceedings in, 121.
- Witnesses, one sufficient, 121.
- County Clerk to file, 122.
- Record of, to be evidence, 122.
- Valid when duly probated in other States or counties, 122.
- Copy of, when probated, 122.
- Lost, how proven, 122.
- Letters to be issued when will probated, 122.
- Executor named in, not discharged from debt, 131.

WITNESSES—

- Wills lost, two competent, necessary, 122.
- One sufficient, when, 121.







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